

THE ROLE OF THE SHURTA IN EARLY ISLAM

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*To my Mother  
with deepest love and respect,  
also to my brother Naĵād  
and my sister Ozdan*

## DECLARATION

This thesis is my original work and of my own execution and authorship.

*Arssan Mussa Rashid*

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## ABSTRACT

This thesis examines the institution of the shurṭa in the early Islamic period, especially during Umayyad times. The limited treatment previously accorded to this subject by scholars has concentrated on the fully-fledged shurṭa institution of high <sup>C</sup>Abbāsīd times and later. This work attempts to trace the earlier development of the institution and more especially to examine its crucial role in Umayyad times.

The first chapter discusses possible origins of the shurṭa, whilst in the second chapter law and order arrangements in the Prophet's time are analysed and the beginnings of the shurṭa institution are traced to the caliphate of <sup>C</sup>Uthmān. Chapters 3, 4 and 5 deal with the role of the shurṭa and their leader, the ṣāhib al-shurṭa, against the political background of the Umayyad period, as well as treating the qualifications needed to hold such an office, the relationship between caliphs, governors and their ṣāhib al-shurṭas and the nature of the duties of the shurṭa. Chapter 6 provides details of the location, clothing and salaries of the shurṭa. Chapter 7 discusses other posts in the Umayyad administration which were also connected with the maintenance of law and order. Chapter 8 provides a number of individual biographies of important men who held the post of ṣāhib al-shurṭa in the Umayyad period, whilst Chapter 9 traces briefly the development of the shurṭa institution in the early <sup>C</sup>Abbāsīd period. Appendix I provides an English translation of a section of a first-hand <sup>C</sup>Abbāsīd source (al-Burhān fī wujūh al-bayān of ibn Wahb) which gives a code of conduct for the ṣāhib al-shurṭa.

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## KEY TO THE ABBREVIATIONS USED IN THE FOOTNOTES

<u>Aghānī</u>	<u>Kitāb al-Aghānī</u> , by Abu 'l-Faraj al-Isfahānī
<u>Ansāb</u>	<u>Ansāb al-Ashraf</u> , by al-Balādhurī
<u>Bayān</u>	<u>Kitāb al-Bayān wa 'l-Tabyīn</u> , by al-Jāhiz
<u>Bukhalā'</u>	<u>Kitāb al-Bukhalā'</u> , by al-Jāhiz
<u>Faraj</u>	<u>al-Faraj ba<sup>c</sup>d al-Shidda</u> , by al-Tanūkhī
<u>Futūh</u>	<u>Futūh al-Buldān</u> , by al-Balādhurī
<u>Hayawān</u>	<u>Kitāb al-Hayawān</u> , by al-Jāhiz
<u>Ibn al-A<sup>c</sup>tham</u>	<u>Kitāb al-Futūh</u> , by Ibn al-A <sup>c</sup> tham
<u>Ibn Khayyāt</u>	<u>Tārīkh Khalīfa Ibn al-Khayyāt</u>
<u>Imāma</u>	<u>al-Imāma wa 'l-Siyāsa</u> , by Ibn Qutayba ( <i>attributed to him</i> )
<u>Isāba</u>	<u>Isāba fī Ma<sup>c</sup>rifat al-Ṣaḥāba</u> , by Ibn Hajar
<u>Kāmil</u>	<u>Al-Kāmil fī 'l-Tārīkh</u> , by Ibn al-Athīr
<u>Kathīr</u>	<u>Al-Bidāya wa 'l-Nihāya</u> , by Ibn Kathīr
<u>Ma<sup>c</sup>ārif</u>	<u>Kitāb al-Ma<sup>c</sup>arif</u> , by Ibn Qutayba
<u>Mahāsin</u>	<u>Al-Mahāsin wa 'l-Addād</u> , by al-Jāhiz
<u>Maqātil</u>	<u>Maqātil al-Tālibiyyīn</u> , by Abu 'l-Faraj
<u>Mizān</u>	<u>Mizān al-l<sup>c</sup>tidāl</u> , by al-Dhahabī
<u>Mubarrad</u>	<u>Al-Kāmil fī 'l-Lugha</u> , by al-Mubarrad
<u>Nahj</u>	<u>Sharḥ Nahj al-Balāgha</u> , by Ibn Abī 'l-Ḥadīd
<u>Nishwār</u>	<u>Nishwār al-Muḥādara</u> , by al-Tanūkhī
<u>Nuwayrī</u>	<u>Nihāyat al-'Arab fī Funūn al-Adab</u> , by al-Nuwayrī
<u>Qawl</u>	<u>Kitāb al-Qawl fī 'l-Bighāl</u> , by al-Jāhiz
<u>Qudāt</u>	<u>Kitāb Qudāt Miṣr</u> , by al-Kindī

<u>Shi<sup>C</sup>r</u>	<u>Al-Shi<sup>C</sup>r wa 'l-Shu<sup>C</sup>arā'</u> , by Ibn Qutayba
<u>Ṭabaqāt</u>	<u>Al-Ṭabaqāt al-Kubrā</u> , by Ibn Sa <sup>C</sup> d
<u>Ṭabarī</u>	<u>Tārīkh al-Rusul wa 'l-Mulūk</u> , by al-Ṭabarī
<u>Tahdhīb</u>	<u>Tahdhīb al-Tahdhīb</u> , by Ibn Ḥajar
<u>al-Tāj</u>	<u>Kitāb al-Tāj fī Akhlāq al-Mulūk</u> , by al-Jāḥiẓ ( <i>attributed to him</i> )
<u>Taqrīb</u>	<u>Taqrīb al-Tahdhīb</u> , by Ibn Ḥajar
<u>Tā'rīkh al-Islām</u>	by al-Dhahabī
<u>Thalāth</u>	<u>Thalāth Rasā'il al-Jāḥiẓ</u> , by al-Jāḥiẓ
<u>Usd</u>	<u>Usd al-Ghāba fī Tamyīz al-Ṣaḥāba</u> , by Ibn al-Athīr
<u><sup>C</sup>Uyūn</u>	<u>Kitāb <sup>C</sup>Uyūn al-Akhbār</u> , by Ibn Qutayba
<u>Wakī<sup>C</sup></u>	<u>Akhbār al-Qudāt</u> , by Ibn Wakī <sup>C</sup>
<u>Wulāt</u>	<u>Kitāb Wulāt Miṣr</u> , by al-Kindī
<u>Ya<sup>C</sup>qūbī</u>	<u>Tārīkh</u> , by al-Ya <sup>C</sup> qūbī



## TRANSLITERATION TABLE

The system of transliteration used in this thesis is that adopted by the Encyclopaedia of Islam (2nd edition) with the following modifications:

$$\text{ج} = j; \quad \text{ق} = q .$$

## INTRODUCTION TO THE SOURCES

A study of any aspect of Umayyad history is fraught with difficulties. Above all, the majority of primary sources date from the <sup>C</sup>Abbāsid period and are therefore likely to be biased or to have been tampered with. This problem should not, however, prevent the scholar from ever embarking on a task such as tracing the development of the shurṭa institution in the Umayyad period. It is, after all, not unreasonable to assume that a basic core of the material about the Umayyad period included in <sup>C</sup>Abbāsid sources may well be authentic, especially when such sources deal with relatively uncontroversial matters such as the names of those who held certain administrative posts in the Umayyad period and what the duties of such officials may have been.

Wherever possible in this study, the earliest extant Arabic sources have been used, although from time to time later authors have been cited when they raise points of interest. Al-Ṭabarī's history is, of course, the major source. His work provides very detailed coverage for <sup>C</sup>Irāq and Khurāsān. This thesis also draws heavily on the under-exploited work of al-Balādhurī, the Ansāb al-Ashrāf, which adds much to the information provided by al-Ṭabarī. Another major source is the Kitāb al-Aghānī of Abu'l Faraj al-Isfahānī which is a valuable social document and in particular contains many anecdotes about society's attitude to the sāhib al-shurṭa.

The information provided by these major works has been supplemented by histories such as that of al-Kindī who is concerned primarily with Egypt.

## Chapter 1

THE POSSIBLE ORIGINS OF THE SHURTA

## Chapter 1

### THE POSSIBLE ORIGINS OF THE SHURṬA

#### 1.1 THE ETYMOLOGY OF THE WORD SHURṬA

In spite of the efforts of medieval Arab grammarians to find an Arabic origin for the term shurṭa, it seems most likely that it comes from a non-Arabic source. This issue is discussed by Schacht<sup>1</sup> in his review of Tyan's work on Islamic legal institutions.<sup>2</sup> Schacht rightly rejects as 'far-fetched' the etymologies for shurṭa given by Arab lexicographers. He is in no doubt that the word shurṭa came into Arabic from the Latin word cohort, via Greek. Schacht continues thus:

'It (shurṭa) is one of a whole group of pre-Islamic and early Islamic loanwords from Latin and Greek, relating to military and kindred matters.'<sup>3</sup>

Although Schacht does not elaborate on his theory and provides no supporting evidence, he is probably right. Certainly, his suggestion is more convincing than the array of arguments produced by medieval Arab grammarians and which are discussed in Tyan's book at some length.<sup>4</sup>

According to Zamakhsharī, the word shurṭa comes from the root

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1. For Schacht's review, cf. Orientalia, vol.17, 1948, pp.515-19.

2. E Tyan, Histoire de l'organisation judiciaire en pays d'Islam (Harissa, 1943).

3. Op.cit., p.517.

4. Op.cit., vol.II, pp.363-7.

sharaṭa, which can take derived forms, such as ashraṭa which is generally used with the preposition ʿalā. The phrase ashraṭa ʿalayhi means 'to send forward an emissary'.<sup>1</sup> According to the Lisān al-ʿArāb, ashraṭa is used in a sentence such as: ashraṭa fulānun nafsahu li-kadhā. This may be translated as: 'Someone committed himself to such-and-such a purpose'.<sup>2</sup>

The phrase shurṭat al-ḥarb is used for the first regiment of a fighting army.<sup>3</sup> There is a tradition attributed to Ibn Masʿūd in which the duty of the shurṭa is defined thus:

'The shurṭa are bound by the condition that they will not return (from a battle) unless victorious.'<sup>4</sup>

The word ashraṭ is defined as ʿalāma (token).<sup>5</sup> When used in its singular form, the word sharaṭ is combined with al-sultān in the phrase sharaṭ al-sultān which means 'the special army of the sultan who distinguish themselves by the same signs'.<sup>6</sup>

As well as meaning a privileged class of people, the term shurṭa may denote the dregs of society, according to other opinions. Because those who were given the role of shurṭa had to deal with the

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1. Zamakhsharī, Asās al-Balāgha, (Cairo, 1922), vol.1, p.486.

2. Ibn Manẓūr, Lisān al-ʿArab, (Cairo, 1301 A.H.), vol.9, p.202.

3. Zamakhsharī, op.cit., loc.cit.

4. This ḥadīth is cited by Muslim, Ṣaḥīḥ (Cairo, 1930), v.18, p.24, and by Aḥmad b. Ḥanbal, Musnad (Cairo, 1951), vol.6, pp.91-2.

5. Muḥammad al-Rāzī, Mukhtār al-ṣiḥāh, Beirut, 1967, p.334.

6. Ibn al-Athīr, Gharīb al-Ḥadīth wa'l Athar, Cairo, 1963, vol.2, p.460.



criminal classes, the term shurṭa became attached to those whose job it was to control them.<sup>1</sup>

Almost all the medieval Arabic sources which discuss shurṭa are in agreement that the term is derived from sharṭa but their arguments are not very convincing.

The modern Arab scholar, Jawwād, suggests rather that the term shurṭa may come from the Latin word securitas. He also spends some time demolishing the argument that the word shurṭa is derived from ashrṭa.<sup>2</sup>

This brief discussion is inconclusive but would tend to suggest a non-Arabic origin for the word shurṭa. Cohort is more likely phonetically than securitas.<sup>3</sup>

## 1.2 THE POSSIBLE ORIGINS OF THE SHURṬA INSTITUTION

Before speaking about the institution of shurṭa in the Islamic period, policing arrangements in the Jāhiliyya period will be considered.

This section will be divided into two parts: firstly, the possible existence of some kind of police system in the Jāhiliyya in Arabia and Yemen will be discussed; and secondly, a brief analysis of the police organisation in the Byzantine and Sassanian Persian empires will be given.

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1. Ibn Manẓūr, op.cit., vol.9, pp.202-4. Cf. Tyan, op.cit., pp.363-4.

2. M. Jawād, Majallat al-shurṭa wa'l amn (Baghdad, 1963), vol.1, pp.15-17.

3. I am grateful to Professor J D Latham for his advice in this matter.

### 1.2.1 The Jāhiliyya in Arabia and Yemen

Probably the shurṭa institution was not known in the Jāhiliyya in this area. Taking north and central Arabia first, it would appear that urban centres, such as Mecca, had no public employees doing specific duties in return for salaries. There were also no official institutions such as shurṭa and courts to preserve public safety or punish wrong-doers who tried to violate laws and local customs.<sup>1</sup> In Meccan society, the leaders of clans such as the Banū Hāshim, Banū Umayya and Banū Makhzūm protected the members of their clans and if, for example, any person committed murder, these tribal leaders settled the dispute by paying a sum of money to the family of the deceased person (al-diya).<sup>2</sup> In the case of foreigners living in Mecca, they also needed protection provided by one of the leaders of these clans; this was the system called tahāluf (a treaty of alliance). For example, when Yāsir b ʿĀmir came to live in Mecca some five years after the beginning of Muḥammads's prophet hood, he needed protection and he made his tahāluf with Abū Hudhayfa al-Makhzūmī.<sup>3</sup> Around the same time, when the Muslims returned from Abyssinia, both they and their property needed protection and they therefore sought protection from clan leaders. One of the Muslims, ʿUthmān b Maḍʿūn, was protected by

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1. J. ʿAlī, al-Mufaṣṣal fī Tāʾrīkh al-ʿArab Qabl al-Islām, Beirut, 1970-75, vol.5, p.246.

2. C. Brockelmann, History of the Islamic Peoples, London, 1949, p.5.

3. Maʿārif, p.256.

the leader of the Makhzūm clan, Walīd b Mughīra. ʿUthmān later asked Walīd to abolish his protection and when people in Mecca heard that ʿUthmān had lost his protection, it became easy for them to kill or harm him.<sup>1</sup> By these examples, it would appear that Meccan society did not possess any police institution, but that the inhabitants received protection from the clan leaders. If there had been such an institution as police in Mecca, the early Muslims, returning from Abyssinia, would surely have sought help from it.

As for the nomadic Arabs, they lived in a tribal community, and they considered their tribe the only society for themselves. The chiefs of the tribes were the leaders in the wars against other tribes. They held meetings<sup>2</sup> to discuss the management of the tribes and any conflicts with other tribes. Their life style conformed to a tribal pattern - that is, they were not established in one place, like the city people. For this reason one can see that the members of the tribes were the soldiers and the citizens of their tribes at the same time. In case of any attack made on their tribes they were ready to defend themselves and therefore they did not need an institution like the shurṭa to protect their community.

The tribe, as mentioned before, was not settled and if any danger from another tribe threatened them, they could pack up their household and leave for another place. The members of the tribe regarded themselves as brothers, hand in hand against any threat coming from other tribes. The Bedouin lived free in the desert and did not need

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1. Ansāb, vol.1, p.223.

2. ʿAlī, op.cit., p.238.



any protective organisation as they protected themselves. It is only in a very late source, the work of al-Qalqashandī, that there is a reference to Ash<sup>C</sup>ath b Qays al-Kindī who appointed guards (hurrās) to protect himself wherever he went, after he became leader of the Kinda tribe.<sup>1</sup>

Turning now to the Yemen, its political organisation was monarchical and appears to have been founded on a regular succession from father to son. Thus it is clear that their political organisation was different from that of northern Arabia. The kings of Yemen felt that they needed some kind of personal protection so they used a kind of bodyguard (hurrās). According to Ṭabarī one king of the Yemen called Dhū Shanātir had in his palace hurrās for his protection.<sup>2</sup>

It is probably reasonable to conclude, therefore, that the shurṭa organisation did not exist in the Jāhiliyya in Arabia but that guards (hurrās) existed in that period, more probably in the Yemen, which was the only organised state in the Arabia peninsula.

### 1.2.2 The Byzantine and Persian police systems

Before speaking about the shurṭa institution in Islam, a brief look at the Byzantine and Persian police systems is necessary since, as has been mentioned before, the Arabs were probably not acquainted within their own territories with such a system before Islam. It is therefore conceivable that they borrowed it from one or both of these

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1. Qalqashandī, Subḥ al-A<sup>C</sup>shā (Cairo, 1963), vol.I, p.416.

2. Ṭabarī, Sr:1-2, pp.918-19.

two neighbouring empires.

In the later Roman empire, the police system in the city of Rome was different from that in Egypt and other places in the empire. In the Roman empire in general, soldiers served as policemen. The municipal police had proved generally inadequate and in Rome their duties had been taken over, most notoriously by the praetorian guard and by the urban cohorts and vigiles.<sup>1</sup>

'Soldiers did all sorts of jobs. They arrested forgers and connived at their escape; they served as detectives and political spies under the title of speculatores, curiosi, frumentorii or agentes in rebus, and earned a detestable reputation; they intimidated and beat up the bakers of Antioch, searched for hoarders, and extorted money during the famine; they figured in the arrest of Christians during the persecutions and in the suppression of riots.'<sup>2</sup>

According to MacMullen, in Egypt, the Roman troops tended to advance beyond what was regarded as the obvious and fitting role for the police.<sup>3</sup> In particular, soldiers would be used to make arrests, to act as arbiters in small disputes, sometimes even usurping greater

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1. R MacMullen, Soldier and civilian in the later Roman Empire, (Cambridge, Mass., 1963), p.50.

2. Ibid., p.51.

3. Ibid., p.54.

judicial powers, and taking over civil administrative posts.<sup>1</sup>

MacMullen mentions the function of army officers called stationarii who had the responsibility for a wide range of duties, including chasing criminals or brigands, holding them in custody, guarding the governor's residence and overseeing the confiscation of church property.<sup>2</sup> It is clear that the Roman troops acted as police men in the provinces, whereas in the city of Rome the praetorian guard performed this function.

In the early Byzantine period the empire was, of course, still heavily influenced by Roman traditions. This situation prevailed until the time of the emperor Theodosius I (379-395 A.D.) who divided the empire administratively into four parts, each part being called a praefectura. In each of these parts was one official called a praetorian prefect. Each praefectura was further divided into dioceses. A diocese was subdivided again into provinces, ruled by governors.<sup>3</sup>

The bodyguard, which was called the praetorian guard, was finally disbanded by Constantine and he took a new imperial guard (comitatenses) which was different from the old praetorian guard and which he hoped would be more loyal to him.<sup>4</sup> But this new imperial guard soon became the most important part of the Byzantine army and this meant that the comitatenses lost their original duties which were to serve as a

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1. MacMullen, op.cit., p.55.

2. Ibid., pp.55-6.

3. N Baynes, The Byzantine Empire, Arabic translation by Husayn Mu'nis, (n.p., n.d.), p.148.

4. G Ostrogorsky, History of the Byzantine State (Oxford, 1956), p.39.



bodyguard of the emperor. The emperor after that selected a new regiment in his army called palatini to be his bodyguard, and he called them the scholae palatinae.<sup>1</sup> The chief minister (magister officiorum) was the head of the Byzantine administration and the palace guard was under his control. Therefore, the magister officiorum was responsible for the safety of the emperor's person.<sup>2</sup> Below this office there existed another official of much lower rank who was called protector of the capital. This office only existed at Constantinople. His duty was the important one of maintaining law and order inside the capital.<sup>3</sup>

After this short description of the policing arrangements of the Roman and Byzantine empires, it seems that they had a well organised administration. The Byzantine emperor had a well organised guard, which he used as a bodyguard, and it became the most important regiment in his army. This imperial bodyguard performed the role of police.

After having looked at policing arrangements in the Byzantine empire, we will look at another empire which also had a well organised administration. It seems that the Sassanian empire had bodyguards but whether they had a police system is another matter. In a footnote, Christensen writes that there is little information about the Sassanian police system. In one of the last books of the Avesta, there was apparently a reference to police officers whose job

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1. Ibid.

2. Baynes, op.cit., p.150.

3. Ibid., p.151.

it was to watch over the observance of the rules of buying and selling in the bazaars. They were armed with a kind of mace.<sup>1</sup>

The Sassanian emperor had a bodyguard to protect himself outside, as well as inside, his palace. According to Ṭabarī, the Sassanian emperor had a bodyguard (hurrās) in his palace and these guards also guarded his room.<sup>2</sup> Also these guards had a chief and when the emperor issued orders to them, he gave the orders to the chief of the guard.<sup>3</sup> Sometimes these guards were not always loyal to the emperor and the emperor could easily be killed,<sup>4</sup> but on other occasions the commander of the army and his soldiers adequately protected the emperor.<sup>5</sup> The emperor's bodyguard had a custom that when the emperor went outside they would stand up for him, with lance and sword in their hands, and bow to the emperor when he passed them.<sup>6</sup> The number of these bodyguards was sometimes six thousand in the reign of the Sassanian emperor, Parwiz, son of Hurmiz.<sup>7</sup> As has been mentioned previously, these guards were not always faithful; occasionally it seems that their chief also lacked loyalty to their masters.<sup>8</sup> The Sassanians had a well organised bodyguard system to

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1. A Christensen, L'Iran Sous Les Sassanides (Copenhagen, 1944), p.127.

2. Ṭabarī, Ser.1-2, pp.1013-1014.

3. Ibid., p.1015.

4. Ibid., p.1043.

5. Ibid., p.1047.

6. Ibid., p.1063.

7. Ḥamza al-Isfahānī, Tār'īkh Sanī Mulūk al-Ard wa'l-Anbiyā' (Beirut, 1961) p.53.

8. Ṭabarī, Ser.1-2, p.1062.

protect the emperor in his palace. When he went out these guards walked beside him. Concerning a proper police system in Sassanian times it seems that the sources do not mention very much information except for a vague reference to the chief of police, but we are not sure if this was the chief of police or the chief of the imperial guard.

According to Christensen, whenever the emperor of the Sassanians visited one of his ministers or an important dignitary, a high ranking official of the police would stand every day with three hundred horsemen and one hundred footmen in front of the door of the host's house until sunset.<sup>1</sup> It seems from this example that Christensen is probably confusing bodyguards and the police, because the duty of protecting the sovereign was performed by the emperor's guard, as has been mentioned before.

Christensen also mentions that when a battle was recently won the court would come to life again and the emperor would hold a big feast. In the lower part of the banqueting hall, where the common people sat, the chief of police presided.<sup>2</sup>

From the preceding discussion it seems that, under the Sassanians, a system of bodyguards certainly existed. It is possible that a separate police system was also in existence. The duties were to protect the emperor, and those of the police, if they existed, were to maintain law and order amongst the common people inside the cities.

As is well-known, the Sassanian and Byzantine empires had vassals to protect their borders against the Arab tribes. The

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1. Christensen, op.cit., p.407.

2. Ibid., p.412.

Sassanians had the Lakhmids as their vassal in <sup>C</sup>Irāq, and the Byzantines had the Ghassānids as their vassal in Syria, but each of these vassals was not an independent kingdom but tended rather to be a province of its empire. The Lakhmid rulers visited their master (the Sassanian emperor) annually.<sup>1</sup> The Sassanians called the Lakhmid rulers <sup>C</sup>āmil or governor,<sup>2</sup> and their administration was a mirror image of the Sassanian one. We can say the same thing about the Ghassānids, who were the Byzantine vassals in Syria.

As will be shown later, it seems most likely that the shurṭa institution came into the Islamic world from contact with the former Byzantine provinces of Egypt and Syria. There are many important similarities which will be discussed later, although influence from Sassanian Persia in the <sup>C</sup>Abbasīd period cannot be ruled out.

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1. Ṭabarī, Ser.1-2, p.946.

2. Ibid.; and <sup>C</sup>Alī, op.cit., vol.5, p.199.



## Chapter II

LAW AND ORDER IN THE EARLY ISLAMIC PERIOD

BEFORE THE Umayyads



## Chapter 2

### LAW AND ORDER IN THE EARLY ISLAMIC PERIOD BEFORE THE Umayyads

#### 2.1 IN THE PROPHET'S TIME

As is well-known, in 622 A.D., the Prophet Muḥammad went to Medina, whose inhabitants included the Aws and Khazraj tribes. Inside the city a sizeable Jewish community lived alongside these two warring tribes. The situation of Medina before the arrival of the Prophet had been very disturbed and these two tribes wanted to find a peaceful solution to their problems. They had apparently decided to unite and elected ʿAbdallāh b. Ubayy, one of the leaders of the Khazraj, as their ruler. This plan never reached fruition, however, because of the coming of the Prophet.

Within the umma the Prophet himself acted as arbiter, settling differences amongst the people. For example, in a case of theft, the people of Medina went to the Prophet and asked him to find a solution and to punish the thief.<sup>1</sup> Security inside Medina was in the hands of the Muslims themselves and they guarded the city against any attack. For example, when the Muslims heard that the Meccans had planned to attack Medina before the battle of Uhud, the Muslims guarded the city and men like Saʿd b. Muʿādh, Usayd b. Hudayr and Saʿd b. ʿUbāda personally guarded the Prophet.<sup>2</sup> The Prophet himself

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1. Ansāb, vol.1, pp.278-79.

2. Wāqidi, Kitāb al-Maghāzī (Oxford, 1966), vol.1, p.208.

ordered Muḥammad b. Maslama al-Anṣārī to guard the Muslim camp before the battle, with the help of fifty men.<sup>1</sup>

In each battle the prophet had a bodyguard. The people who guarded the Prophet in his battles included Sa<sup>C</sup>d b. Mu<sup>C</sup>ād at the battle of Badr, Dhakwān b. <sup>C</sup>Abdallāh b. Qays, Muḥammad b. Maslama at the battle of Uhud, <sup>C</sup>Abbād b. Bishr, Sa<sup>C</sup>d b. Abī Waqqāṣ and Abū Ayyūb al-Anṣārī at the battle of Khaybar, and Zubayr b. <sup>C</sup>Awwām at the battle of Khandaq.<sup>2</sup>

From these examples, it seems that the Prophet had a bodyguard in battle and that the Muslims guarded his tent in the camp. The city of Medina was guarded by Muslims. Therefore bodyguards, and also the idea of guarding the city for the safety of Muslims, were both known in the Prophet's time. As for evidence of the shurṭa, it seems that this institution did not exist in the Prophet's time.

## 2.2 THE PERIOD OF ABŪ BAKR (11-13/632-4)

In Abū Bakr's time, the army of Medina was much occupied with subduing the Arab tribes in the Ridda wars in the area around Medina. Sometimes, the army could be away from the city for as long as forty days.<sup>3</sup> During such periods, hostile tribes believed the city of Medina to be vulnerable to attack since it was no longer under the protection of the military. When they therefore prepared to profit from the absence of the army and to attack, Abū Bakr decided to make

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1. Ibid., p.217; Nūwayrī, vol.17, p.86.

2. Ibid., vol.18, p.236.

3. Ibn Khayyāt, vol.1, p.79.

alternative security arrangements.

Firstly, those inhabitants of the city capable of bearing arms were to assemble in the mosque and to wait.<sup>1</sup> Secondly, Abū Bakr appointed guards (hurrās) on the outskirts of Medina. The names of the commanders of these guards are known: they were ʿAlī b. Abī Tālib, Zuhayr b. ʿAwwām, ʿAbd al-Raḥmān b. ʿAwf, Talḥa b. ʿAbdallāh, and ʿAbdallāh b. Masʿūd.<sup>2</sup> It seems that these guards, if they suspected that any attack on the city by the tribes was imminent, warned the city, especially the people assembled in the mosque, to prepare against the attack.<sup>3</sup> This situation continued until the Muslims defeated all the recalcitrant tribes who embraced Islam again or for the first time.

The hurrās had a function other than that of warning armed men in the mosque. They guarded the outskirts of the city and were responsible for the first attacks from marauding tribes. They would receive the first onslaught before the people assembled in the mosque could join the fray.<sup>4</sup>

It would be erroneous to believe that the hurrās at this time were organised in a systematic way. They would gather outside the city only at moments when an emergency was imminent. After the tribes in the immediate vicinity of Medina had been defeated by the Muslims

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1. Tabarī, Ser.1-4, p.1874; Ibn Miskawayh, Tajārib al-Umam (Leyden, 1909), vol.1, pp.294-95.

2. Tabarī, Ser.1-4, p.1874; Kathīr, vol.6, p.311.

3. Ibid.

4. Ibn Miskawayh, op.cit., vol.1, pp.294-95; Kathīr, vol.6, p.311.



and those tribes had become Muslim, the army returned to Medina, and the need for the hurrās disappeared. Afterwards, the energies of the tribes near Medina were directed outwards towards fighting other tribes further away from Medina, such as the Banū Hanīfa, and the city of Medina became relatively safe again.

The sources do not mention any activity of the shurṭa or a police system in the short period of Abū Bakr's rule. There are a couple of late references to the existence, in the time of Abū Bakr, of ḥasas, the well-known practice in ḲUmar's caliphate in which the streets of Medina were patrolled at night to maintain security. These sources, however, are very unlikely to be reliable.<sup>1</sup>

It may be seen from the preceding discussion that there was in Abū Bakr's time the beginning of a realisation of the need for urban security and certain rudimentary attempts were made to keep order at Medina. There was, however, no shurṭa at this time.

### 2.3 THE CALIPHATE OF ḲUMAR (13-23/634-44)

In ḲUmar's time the Islamic state really came into being. ḲUmar was concerned with the security of the people who lived in Medina, and he himself actually performed the role of ḥasas and patrolled the streets at night to establish law and order in the city. In this task he was, on one occasion, accompanied by ḲAbdal-Rahmān b. ḲAwf.<sup>2</sup> On another occasion, ḲAbdallāh b. ḲAbbās went with him. When performing this task ḲUmar always carried his durra (whip) with him.<sup>3</sup>

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1. Maqrīzī, Kitāb al-Khitāt (Beirut, n.d.), vol.2, p.223; Ibn ḲAsākir, Tahdhīb Tārīkh Ibn ḲAsākir (Damascus, 1332 A.H.), vol.7, pp.95-6.

2. Ṭabarī, vol.4, p.205.

3. YaḲqūbī, vol.2, p.148.

Two sources, writing about Egypt, mention the existence of the shurṭa as early as ʿUmar's time.<sup>1</sup> It is possibly significant that these two accounts concern Egypt. Maybe the institution began there. Equally possible is the suggestion that these two isolated accounts are inaccurate.

Of the earlier historians, only Yaʿqūbī suggests that ʿUmar had a ṣāhib al-shurṭa, a man called ʿAbdallāh b. ʿAbbās.<sup>2</sup> This account is rather doubtful since one might legitimately ask why, if ʿUmar had a ṣāhib al-shurṭa, did he feel the need to patrol the streets at night himself? Moreover, Yaʿqūbī contradicts himself in any case later on in his work when he says that it was Muʿāwīya who was the first caliph to set up the shurṭa.<sup>3</sup>

## 2.4 THE PERIOD OF ʿUTHMĀN AND ʿALĪ

### 2.4.1 The caliphate of ʿUthmān (23-35/644-56)

In ʿUthmān's period, the activity of the shurṭa began to emerge, and ʿUthmān is regarded by many of the sources as the person who appointed the first ṣāhib al-shurṭa (the chief of the shurṭa). His name was ʿAbdallāh b. Qunfudh, a man who belonged to the clan of Banū Taym from

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1. Ibn ʿAbd al-Ḥakam, Futūḥ Miṣr Wa'l Maghrib (Cairo, 1961), p.190; Wulāt, p.33.

2. Yaʿqūbī, vol.2, p.149.

3. Ibid., p.220.

4. According to Ibn Hajar and Nawawī his name was Muhājir b. Qunfudh. Iṣāba, vol.3, pp.956-57; Nawawī, Tahdhīb al-Asmā' (Cairo, n.d.), vol.1; vol.2, p.116.

the tribe of Quraysh.<sup>1</sup>

During <sup>C</sup>Uthmān's rule, branches of the shurṭa institution sprang up in nearly all the Muslim provinces. <sup>C</sup>Abdallāh b. Sa<sup>C</sup>d, who became governor of Egypt, appointed Sā'ib b. Hishām as his sāhib al-shurṭa<sup>2</sup> in 25/645. Sa<sup>C</sup>īd b. al-Āṣ, wālī of Kūfa, appointed <sup>C</sup>Abd al-Rahmān b. Khunays al-Asadī as his sāhib al-shurṭa,<sup>3</sup> whereas in Basra <sup>C</sup>Abdallāh b. Āmir's sāhib al-shurṭa was Zayd b. Jilba or Hilya al-Sa<sup>C</sup>adī.<sup>4</sup>

The activity of the shurṭa was also known in Medina in this period and <sup>C</sup>Uthmān used shurṭa to maintain law and order inside the city. It was especially important for <sup>C</sup>Uthmān to have some kind of policing institution as he could not possibly continue in the way <sup>C</sup>Umar had done and do the job himself. We have some information about the shurṭa inside Medina; according to Ibn Sa<sup>C</sup>d (d.230/844), when <sup>C</sup>Abbās, the Prophet's uncle, died in 32/652, all the people of Medina wanted to pray at his tomb. People crowded and pushed each other, so <sup>C</sup>Uthmān sent the shurṭa to beat people in order that the Banū Hāshim might be allowed at least to dig the grave and bury <sup>C</sup>Abbās.<sup>5</sup>

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1. Muḥammad b. Habīb, Kitāb al-Muḥabbar (Hyderabad, 1942), p.373; Ibn Khayyāt, vol.1, p.195; Ya<sup>C</sup>qūbī, vol.2, p.163; Ibn <sup>C</sup>Abd Rabbihi, al-<sup>C</sup>Iqd al-Farīd, (Cairo, 1940), vol.5, p.41; Ibn Durayd, Ishtiqāq (Cairo, 1958), p.144; Abū Hilāl al-<sup>C</sup>Askarī, al-Awā'il (Damascus, 1975), vol.1, p.288.

2. Wulāt, p.34.

3. Ṭabarī, vol.4, p.323; Ansāb, vol.5, p.40; Kāmil, vol.3, p.108.

4. Isāba, vol.2, p.87; Ibn <sup>C</sup>Asākir, op.cit., vol.5, p.450.

5. Tabaqāt, vol.4, p.32; Ibn <sup>C</sup>Asākir, op.cit., vol.7, p.250.



Another account about the shurṭa in Medina in ʿUthmān's time is one which is related by Ibn Abī Ḥadīd, when ʿUthmān became angry with ʿAmmār b. Yāsir. One day ʿUthmān went to the mosque and saw ʿAmmār sitting with some Companions of the Prophet who were weeping. When ʿUthmān saw that, he became very angry and sent orders to the shurṭa to separate them and take them out of the mosque.<sup>1</sup> Another incident about shurṭa in Medina is also related by Ibn Abī Ḥadīd - one day when ʿUthmān was giving a speech in the mosque on a Friday, a man shouted at ʿUthmān. ʿUthmān asked him to sit down, but he refused and ʿUthmān sent the shurṭa to force him to sit down.<sup>2</sup>

According to Behrnauer, at Fuṣṭāṭ in ʿUthmān's time the business of the ṣāhib al-shurṭa was to apply the inflicted legal punishments, keep the prisons open and close the city gates.<sup>3</sup> Behrnauer does not specify from which source he took this information and he mentioned some duties which were not obviously those of the ṣāhib al-shurṭa, for example, keeping the prisons. This duty of keeping the prison belonged to the jailer (al-sajjān).<sup>4</sup>

During the reign of ʿUthmān the activity of conquest was still very important, but cities like Baṣra, Kūfa, Fuṣṭāṭ and Damascus were settled by civilians, who needed some institution to maintain peace, law and order. The governors of these cities and provinces

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1. Nahj, vol.9, pp.4-5.

2. Ibid., pp.17-18.

3. W Behrnauer, 'Mémoire sur les institutions de police chez les Arabes', Journal Asiatique, Series V, June 1860, XV, 471-2.

4. Ansāb, vol.5, p.32.

probably took some troops from their army to act inside cities in the role of police. The same idea had existed in the Byzantine state before the Islamic period. It is not surprising, therefore, that the wālīs of those provinces which had been under the control of the Byzantines, took these ideas, which then spread to other parts of the Islamic empire. It would certainly appear likely that the institution of shurṭa existed in <sup>C</sup>Uthmān's time.

According to Suyūṭī (d.911/1505), <sup>C</sup>Amr b. al-ʿĀs was the first person to establish the shurṭa.<sup>1</sup> If we look more closely at this account, we can see that Suyūṭī does not state when exactly this occurred. <sup>C</sup>Amr was wālī in Egypt for three caliphs, <sup>C</sup>Umar, <sup>C</sup>Uthmān and Mu<sup>C</sup>āwiya. As had already been mentioned, there was no shurṭa in <sup>C</sup>Umar's time.<sup>2</sup> Furthermore it will be shown that the institution of shurṭa was well established by Mu<sup>C</sup>āwiya's time. By a process of logical elimination, therefore, it is likely that <sup>C</sup>Amr established the shurṭa in <sup>C</sup>Uthmān's time, especially since there are other examples of the existence of the shurṭa for this same period. Probably <sup>C</sup>Amr found out that the Byzantine bodyguards and soldiers had acted as police, and he therefore established the shurṭa institution along the Byzantine model.

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1. Suyūṭī, Wasāʾil Ilā Musāmara al-Awāʾil, Baghdad, 1950, pp.99-100.

2. Cf. p.19.



#### 2.4.2 The period of ʿAlī b Abī Tālib (36-40/656-66)

After ʿUthmān's murder, ʿAlī b. Abī Tālib, the Prophet's cousin, was elected successor to ʿUthmān. The choice of ʿAlī was disputed by the Umayyad clan and by a second group led by Zubayr, Ṭalḥa and ʿĀ'isha. This second group, whose members also included some Umayyads, wanted to take Baṣra but were refused entry by the governor, who had been appointed by ʿAlī. It is interesting to note that after they had managed to force an entry into the city, Zubayr and Ṭalḥa killed all the shurṭa whose job it was to protect the bayt al-māl (treasury). This incident is interesting in a number of respects. Firstly, it is clear that the shurṭa remained faithful to their governor and tried to maintain order against the onslaught of the rebels. Secondly, the shurṭa were clearly powerless in the face of a large military force from outside.<sup>1</sup>

In ʿAlī's caliphate the shurṭa were very active inside the cities. ʿAlī is also generally regarded as having created a special shurṭa, called the shurṭat al-khamīs.<sup>2</sup> If the shurṭa was created in ʿUthmān's time, in ʿAlī's time the use of this institution became more widespread and better known. According to Yaʿqūbī, ʿAlī's ṣāḥib al-shurṭa was Maʿqil b Qays al-Riyāḥi.<sup>3</sup> But according to Ibn al-Muzāḥim (d.212/827) ʿAlī's ṣāḥib al-shurṭa was Mālīk b Ḥabīb al-Yarbūʿī.<sup>4</sup> But Khalīfa b. Khayyāt mentions in his book Tāʾrīkh

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1. Nahj, vol.9, p.320.

2. This is briefly discussed in Appendix II.

3. Yaʿqūbī, vol.2, p.203.

4. Ibn Muzāḥim, Waqʿat Ṣiffīn (Cairo, 1365 A.H.), p.6.

Khalīfa that Ma<sup>C</sup>qil and Mālīk were both sāhib al-shurṭa in <sup>C</sup>Alī's time.<sup>1</sup>

When <sup>C</sup>Alī was giving a speech at the Friday prayer in the mosque, his sāhib al-shurṭa was standing beneath the minbar.<sup>2</sup> Another incident which indicates the importance of this institution in <sup>C</sup>Alī's time was when Ziyād b. Abīhī was in charge of the collection of the kharāj of Baṣra. The people of Baṣra had turned against <sup>C</sup>Alī and had decided to join the side of Mu<sup>C</sup>āwiya. Therefore, Ziyād escaped to the tribe of Azd and asked them to help him against the people of Baṣra. So the leader of the Azd tribe helped him and appointed some of his tribesmen to be Ziyād's shurṭa.<sup>3</sup>

According to the scholar Amir Ali, <sup>C</sup>Alī b. Abī Tālib created the sāhib al-shurṭa.<sup>4</sup> He does not, however, mention the sources from which he took this information.

<sup>C</sup>Alī used the shurṭa and the sāhib al-shurṭa for a variety of purposes. When he was preparing his campaign against Mu<sup>C</sup>āwiya and his Syrian army, <sup>C</sup>Alī ordered his sāhib al-shurṭa to call on the tribesmen of Kūfa to go to the army camp to be ready for the battle. <sup>C</sup>Alī also ordered his sāhib al-shurṭa Mālīk b. Ḥabīb to kill anyone who refused to join the army.<sup>5</sup> As a matter of fact someone refused

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1. Ibn Khayyāt, vol.1, p.231.

2. Tārīkh al-Islām, vol.3, pp.218-19.

3. Nahj, vol.4, p.43.

4. A Ali, A short history of the Saracens (London, 1934), p.60.

5. Ibn Muzāhim, op.cit., p.136.

to join the army, so the sāhib al-shurṭa killed him immediately.<sup>1</sup>

It seems that the sāhib al-shurṭa, Mālīk b Ḥabīb, did not go with ʿAlī's army to fight Muḥ̣aẉiyya at Siffīn but he stayed in Kūfa to keep law and order.<sup>2</sup> In this instance, his role was that of military governor. Despite this function of the shurṭa to keep peace inside Kūfa we find that ʿAlī refused the protection of the shurṭa when he went out, even at night, and for that reason he was an easy target when he was killed by a Khārījite.<sup>3</sup> It would appear that the sāhib al-shurṭa also served ʿAlī in an advising capacity, warning him of potential enemies.<sup>4</sup>

Generally speaking, it would appear that the institution of shurṭa was quite widespread and well-known during the caliphate of ʿAlī. The early historians mention a number of duties performed by the shurṭa in this period. The sāhib al-shurṭa clearly enjoyed a privileged position and had the ear of the caliph. He could, on occasion, perform the duties of a military police chief as well as the important job of keeping order in cities, especially in ʿAlī's capital, Kūfa, when the army was away. Furthermore, it would appear that important people in high office, such as Ziyād b. Abīhī (but notably not ʿAlī), used the services of the shurṭa to protect themselves against their enemies.

The role of the institution of shurṭa in this period was clearly

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1. Ibn Muzāḥim, op.cit., p.148.

2. Ibid., p.149.

3. Ṭabarī, vol.5, p.149; Nahj, vol.10, p.259.

4. Ibn Muzāḥim, op.cit., p.108.

not yet fixed and was characterised by flexibility and the demands of particular historical situations. One may assume from the examples given above that the ṣāhib al-shurṭa had the services of a large group of men to help him impose his authority, especially over recalcitrant tribesmen who were unwilling to fight.

## Chapter 3

### THE DEVELOPMENT OF THE SHURTA IN THE Umayyad Period



## Chapter 3

### THE DEVELOPMENT OF THE SHURṬA IN THE Umayyad PERIOD

#### 3.1 A HISTORICAL ACCOUNT OF THE DEVELOPMENT OF THE SHURṬA IN THE TIME OF MU<sup>C</sup>ĀWĪYA (41-60/661-79)

In Mu<sup>C</sup>āwĪya's caliphate, the shurṭa became an established institution. The governors of the provinces used shurṭa to protect society and to maintain law and order. The institution of shurṭa became the most important security force on which Mu<sup>C</sup>āwĪya and his governors depended for personal protection and also for achieving law and order inside cities. This was in addition to their role in defending the Umayyad state against its politico-religious opponents, like the Shiites and the Khārijites.

It seems likely that Mu<sup>C</sup>āwĪya was the first caliph actually to be protected personally by the shurṭa. They went with him as his bodyguards whenever he went out. Al-Damīrī states this as a firm fact but he does not mention his sources. The evidence from earlier historians, however, as will be shown below, would tend to suggest that he is correct in his assertion.<sup>1</sup> No doubt Mu<sup>C</sup>āwĪya was influenced in this new practice by his narrow escape in the famous incident when three Khārijites decided to assassinate himself, <sup>C</sup>Alī, and <sup>C</sup>Āmr b. al-<sup>C</sup>Ās in 40/660. One of the three Khārijites succeeded

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1. Damīrī, Ḥayāt al-Ḥayawān al-kubrā (Cairo, 1284 A.H.), vol.1, p.74.



in his aim and killed <sup>C</sup>Alī while the other two failed to kill Mu<sup>C</sup>āwīya and Ibn al-<sup>C</sup>Āṣ. After this incident, Mu<sup>C</sup>āwīya, whenever he went to pray, prayed in the maqṣūra (a box or stall in the mosque near the mihrāb) which he had installed to protect himself. He also ordered the shurṭa to stand near him during the prayer.<sup>1</sup>

There is, unfortunately, some confusion in the early sources between the definition of the two terms haras and shurṭa. According to a number of the early historians, Mu<sup>C</sup>āwīya set up a haras (bodyguard) beside the shurṭa (who were already in existence) to protect him and his palace against his enemies.<sup>2</sup> A more precise discussion of the difference between these two terms will be given later on but it would appear probable that the haras were taken from the larger corps of the shurṭa and were primarily used for duties inside the palace.

According to Ya<sup>C</sup>qūbī, however, Mu<sup>C</sup>āwīya first established haras, shurṭa and bawwābūn and was personally guarded by haras with their lances.<sup>3</sup> This statement is, in fact, contradicted by Ya<sup>C</sup>qūbī himself since he writes elsewhere that shurṭa existed in the time of <sup>C</sup>Umar, <sup>C</sup>Uthmān and <sup>C</sup>Alī.<sup>4</sup> The confused terminology of Ya<sup>C</sup>qūbī is typical of the earliest writers who discuss the shurṭa and similar words.

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1. Ṭabarī, vol.5, p.149.

2. Ansāb, vol.4A, p.136; Ṭabarī, vol.5, p.330; Ibn Khayyāt, vol.1, p.276; Ibn <sup>C</sup>Abd Rabbihi, op.cit., vol.5, p.123; Kāmil, vol.4, p.7.

3. Ya<sup>C</sup>qūbī, vol.2, p.220.

4. Ibid., pp.149,163.

### 3.1.1 The activity of the shurṭa in the province of ʿIrāq at the time of Muḳāwīya

At the time of Muḳāwīya, ʿIrāq was divided into two great provinces. One was Kūfa and the other was Baṣra. Kūfa, during ʿAlī's caliphate, had been the centre of power because ʿAlī had made it his capital, but when Muḳāwīya became caliph in 41/661 he transferred the Muslim capital to Damascus. The first governor appointed to Kūfa by Muḳāwīya was Mughīra b. Shuḳba of Thaḳīf (41-50/661-70). Mughīra controlled Kūfa by use of the shurṭa and he appointed a very cautious man as the sāhib al-shurṭa whose name was Qubaysa b. Dammūn.<sup>1</sup>

During Mughīra's governorship the Khārijites began to make trouble in Kūfa. According to one account, the sāhib al-shurṭa came to Mughīra and told him that the Khārijites had gathered in the house of one of their number. Mughīra immediately ordered the sāhib al-shurṭa to take his shurṭa and lay siege to the house. The shurṭa went, and took the troublemaker prisoner.<sup>2</sup> The situation became even more turbulent in Kūfa when friends of those Khārijites in prison began to ferment more discord. So Mughīra ordered the sāhib al-shurṭa to gather support from the Shiites to control the Khārijites.<sup>3</sup>

Mughīra remained as governor of Kūfa until he died in 50/670 and Ziyād b. Abīhi became the governor of Kūfa in the same year.

In Baṣra, the first Umayyad governor, ʿAbdallāh b. ʿĀmir (41-44/661-64) was unable to control the tribes because he was a soft

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1. Ṭabarī, vol.5, p.181; Ansāb, vol.4A, p.144.

2. Ṭabarī, vol.5, p.182.

3. Ibid., pp.184-89.

and weak man who did not like to use force against wrong-doers. Not surprisingly, social disorder prevailed there and no-one in Basra was safe.<sup>1</sup> Accordingly, Mu<sup>C</sup>āwīya deposed him in 44/664 because of the complaints of the prominent people of Basra.<sup>2</sup>

In 45/665, Mu<sup>C</sup>āwīya appointed Ziyād b. Abīhi as governor of Basra. When Ziyād arrived in Basra security did not exist inside the city.<sup>3</sup> In his famous inaugural speech, Ziyād emphasised the loss of security and the social disorder in Basra. He said:

'You are putting tribal loyalties before religion .... You are excusing and sheltering criminals from amongst you, and tearing down the protecting laws sanctified by Islam.'<sup>4</sup>

From this famous speech at Basra, the degree of social corruption, which the city had reached before his arrival, may be observed. It will be noted from Ziyād's tone that he was prepared to enforce the law by whatever means regardless of any considerations.<sup>5</sup> Ziyād also warned against the dangers of disobedience to the authority of the state.<sup>6</sup>

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1. Ṭabarī, p.212; Ibn Khaldūn, Al-<sup>C</sup>ibar wa dīwān al-mubtada' wa'l khabar (Cairo, 1284 A.H.), vol.3, p.7.

2. Ṭabarī, vol.5, p.212

3. Plundering houses, killing citizens and assaulting women were common there.

4. Ṭabarī, pp.218-19.

5. Ibid., p.217-21.

6. Ibid., p.222; Ansāb, vol.4A, pp.180-82.



According to Balādhurī, on his first day as governor of Baṣra, Ziyād heard some voices nearby. Ziyād asked what those voices were. He received the reply that because no security and no shurṭa existed, a particular man had hired someone to guard his house.<sup>1</sup> The following day Ziyād ordered his ṣāhib al-shurṭa to go out and patrol the streets of Baṣra after the ʿishāʾ prayer (the last prayer at night) had finished.<sup>2</sup> Balādhurī adds that when the ṣāhib al-shurṭa and his shurṭa walked through the streets of Baṣra that night they killed five hundred wrong-doers.<sup>3</sup>

Ziyād was the first to establish in Baṣra the system of manʿ al-tajawwul (curfew),<sup>4</sup> preventing the people from leaving their homes at night.<sup>5</sup> According to one account, one night, a Bedouin, unaware of this new law, went out after ʿishāʾ and was seen by the ṣāhib al-shurṭa. The latter ordered the shurṭa to arrest the man and take him to Ziyād. Ziyād asked the prisoner why he was out at night. The Bedouin explained that he had come to Baṣra to sell his sheep and

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1. Ansāb, vol.4A, p.171.

2. Ibid.

3. Ibid.

4. The way in which the curfew was carried out was that Ziyād ordered one sūra of the Qurʾān (especially a long sūra like the baqara) to be read after the ʿishāʾ prayer had finished. This was to make sure that people had enough time to get home. After that, he ordered his ṣāhib al-shurṭa to walk in the streets and if he saw anybody after the sūra of the baqara had finished in the mosque, he should kill him.

5. Ansāb, p.171; Ṭabarī, vol.5, p.222.



that he did not know why he had been arrested. Ziyād told him that he believed him but that it was his duty to kill him for the good of the city.<sup>1</sup> So he ordered his execution. It seems from this example that Ziyād wanted to show the people of Baṣra that nobody would be forgiven if they broke the law, even if they were innocent. Ziyād had had previous experience of the people of Baṣra and knew that through this example of killing the Bedouin, he would succeed in making them afraid of him. It was his intention to show himself as a strong and firm governor.

Ziyād was aware of the need to reorganise the shurṭa in order to control the whole province more effectively. Therefore, he increased the number of the shurṭa to 4,000 and appointed two sāhib al-shurṭa instead of one.<sup>2</sup> After these steps, the city of Baṣra and its society became more secure, to such a degree that if anyone lost something nobody would touch it until the owner had collected it. Moreover, women could sleep without having to close their doors.<sup>3</sup>

Ziyād faced particular opposition from the Khārijites. In 47/667, a group of them killed the head of the mosque guards in Baṣra, who had treated them very harshly. When the shurṭa heard of this incident, they went out after the Khārijites and fought with them until most of them had been killed.<sup>4</sup>

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1. Ansāb, vol.4A, p.172.

2. Ṭabarī, vol.5, p.222; Ansāb, vol.4A, p.188.

3. Ṭabarī, vol.5, p.222.

4. Ansāb, vol.4A, p.149.

After the Khārijites had elected a new leader, Zuhhāf b. Zahr, in a renewed attack against the establishment, they killed everybody whom they thought to be against them. The shurṭa heard about these killings by the Khārijites. Five hundred of the shurṭa went out to fight the Khārijites. The shurṭa laid siege to the house where the Khārijites had gathered, after which they attacked and killed them.<sup>1</sup>

As mentioned above, Mughīra, the governor of Kūfa, died in 50/670, and Mu<sup>c</sup>āwiya appointed Ziyād the governor of Kūfa as well as Baṣra, making him the first governor to rule these two provinces together. In Kūfa the internal situation was even more unsettled than in Baṣra because Kūfa had an even greater anti-Umayyad feeling since most of its inhabitants were Shi<sup>ʿ</sup>ite supporters. On arrival there Ziyād addressed the people of Kūfa and warned them that he intended to bring two thousand shurṭa from Baṣra. He further reminded the people of Kūfa that they were 'the people of the truth' (Ahl al-ḥaqq).<sup>2</sup> When he had finished his speech the people threw stones at him. Thereupon, Ziyād ordered that the hands of those people who refused to swear by God that they had not stoned him should be cut off.<sup>3</sup> In fact, he caused thirty people to have their hands cut off.

Ziyād used the shurṭa to control the Shi<sup>ʿ</sup>ite opposition. The leader of the Shi<sup>ʿ</sup>ites in Kūfa was Hujr b. <sup>c</sup>Adī. Ziyād advised him

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1. Ansāb, vol.4A, p.152; Ibn Khayyāt, vol.1, pp.262-63.

2. Ṭabarī, vol.5, pp.234-35.

3. Ibid.

not to lead any protest against the Umayyads, but he did not listen.<sup>1</sup> When Ḥujr b. <sup>C</sup>Adī continued to make trouble in Kūfa, Ziyād ordered one of his shurṭa to go and bring the Shi<sup>C</sup>ite leader to his palace. But Ḥujr did not come and the shurṭi returned to Ziyād and told him about Ḥujr's refusal. Therefore, the ṣāhib al-shurṭa sent more shurṭa to bring Ḥujr to Ziyād. Meanwhile, Ḥujr and his supporters insulted the shurṭa and still Ḥujr did not come. After this Ziyād ordered the ṣāhib al-shurṭa to go with his shurṭa to Ḥujr and if he refused to come the ṣāhib al-shurṭa should use force to bring him.<sup>2</sup> On this occasion Ḥujr and his supporters fought with the shurṭa and Ḥujr escaped to another part of the city. But the shurṭa went after him and when Ḥujr was eventually captured he was put to death.<sup>3</sup>

Ziyād died in 53/672 after he had established law and order in <sup>C</sup>Irāq and made the shurṭa the most important internal force there. When he died, <sup>C</sup>Irāq had become a peaceful province and people no longer were frightened for their own safety and their money. After Ziyād, Mu<sup>C</sup>āwiya separated Basra from Kūfa and appointed a governor for each province.

Wellhausen is a little harsh in his judgement of Ziyād whom he castigates for using the shurṭa 'as the basis of his tyranny'.<sup>4</sup> Certainly, in the critical situation in which he found himself, Ziyād's methods were preferable to no law at all.

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1. Tabarī, vol.5, pp.254-56.

2. Ibid., pp.257-58.

3. Ibid., pp.259-66.

4. J Wellhausen, The Arab Kingdom and its fall (Calcutta, 1927), pp.127-8.



In 55/674, Mu<sup>ʿ</sup>āwīya appointed the son of Ziyād b. Abīhi whose name was ʿUbaydallāh, as governor of Baṣra. ʿUbaydallāh used the same policy as his father. He carefully followed the policy of his father and made extensive use of the shurṭa force against his internal enemy, the Khārijites, who in his time began to make trouble in Baṣra. For example, in 58/677, the Khārijites made trouble in Baṣra and ʿUbaydallāh ordered his shurṭa to arrest their leader whose name was Mirdās and put him in prison.<sup>1</sup> In retaliation the Khārijites killed one of the shurṭa.<sup>2</sup>

Mubarrad also mentions a story about the relationship between the Khārijites and the shurṭa during ʿUbaydallāh's governorship. One day ʿUbaydallāh arrested one of the leaders of the Khārijites whose name was Khālīd b. ʿAbbād. ʿUbaydallāh ordered his shurṭa to kill Khālīd but no shurṭa dared to kill him because they were frightened. According to Mubarrad, it was because Khālīd was known to be pious. But their reluctance to kill him was more likely to have been caused by fear of the revenge the Khārijites might take. Eventually one of the shurṭa, whose name was Ibn Masrūh, came forward and killed Khālīd.<sup>3</sup> When the Khārijites heard that this shurṭī had killed their leader, they made a plan to kill him and this they finally did.<sup>4</sup>

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1. Tabarī, vol.5, pp.312-14.

2. Mubarrad, vol.3, pp.248-49.

3. Ibid., p.273.

4. Ibid., p.274.



### 3.1.2 The activity of the shurṭa in other provinces

Other provinces, such as Egypt, remained quiet and the shurṭa there was not as active as in <sup>ʿ</sup>Irāq since Egypt was not as troubled by Shiite and Khārijite opposition. The sources do not mention any activity on the part of the shurṭa in other provinces but they do show that the governors were very careful about the appointment of the sāhib al-shurṭa.

Two sources mention that Marwān b. Ḥakam, the governor of Medina in the caliphate of Mu<sup>ʿ</sup>āwīya, appointed Muṣ<sup>ʿ</sup>ab b. <sup>ʿ</sup>Abd al-Rahmān b. <sup>ʿ</sup>Awf as sāhib al-shurṭa and qādī at the same time.<sup>1</sup> According to Ibn Sa<sup>ʿ</sup>d, Muṣ<sup>ʿ</sup>ab b. <sup>ʿ</sup>Abd al-Rahmān the sāhib al-shurṭa of Medina, was very harsh to wrong-doers.<sup>2</sup> According to Abu'l Faraj, when Marwān b. Ḥakam appointed Muṣ<sup>ʿ</sup>ab sāhib al-shurṭa, Muṣ<sup>ʿ</sup>ab said to Marwān that he could not control the city of Medina with the existing number of shurṭa in Medina and he asked Marwān to send him more men from another city to use them as his shurṭa.<sup>3</sup> Abu'l Faraj adds that Marwān brought two hundred men and Muṣ<sup>ʿ</sup>ab controlled the city and remained sāhib al-shurṭa until Mu<sup>ʿ</sup>āwīya's death.<sup>4</sup>

### 3.2 THE CALIPHATE OF YAZĪD B. MU<sup>ʿ</sup>ĀWIYA 60-64/679-683

After his accession, the first action Yazīd took was to send a message to the governor of Medina to force Ḥusayn and <sup>ʿ</sup>Abdallāh b. Zubayr to

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1. Tabaqāt, vol.5, p.158.

2. Ibid.

3. Aghānī, vol.5, p.74.

4. Ibid.

give their allegiance to him as caliph but Ḥusayn and ʿAbdallāh escaped to Mecca. When Yazīd heard about this, he replaced the governor of Medina by another man whose name was ʿAmr b. Saʿīd b. al-ʿĀs. ʿAmr ordered the ṣāhib al-shurṭa whose name was Muṣʿab b. ʿAbd al-Raḥmān, to demolish all the Hashimites' houses and the house of ʿAbdallāh b. Zubayr. The ṣāhib al-shurṭa refused to carry out the governor's order. Therefore, the governor ordered him to put down his sword - the sign of dismissal. The ṣāhib al-shurṭa did so and went to Mecca to join ʿAbdallah b. Zubayr.<sup>1</sup>

The governor of Medina then appointed a new ṣāhib al-shurṭa whose name was ʿAmr b. Zubayr.<sup>2</sup> The governor ordered the new ṣāhib al-shurṭa to demolish all the houses belonging to Zubayr and to ʿAlī's family and the ṣāhib al-shurṭa did so.<sup>3</sup> The ṣāhib al-shurṭa beat most of the prominent people who supported ʿAbdallāh b. Zubayr. He even flogged his own brother, al-Mundhir b. Zubayr.<sup>4</sup>

### 3.2.1 The role of the shurṭa in the killing of Ḥusayn

After Ḥusayn had gone to Mecca, the people of Kūfa wrote to him inviting him to come so that they might offer him their allegiance and make him caliph. In the events leading up to the death of Ḥusayn,

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1. Aghānī, vol.5, p.75.

2. He was ʿAbdallāh b. Zubayr's half-brother. ʿAmr's mother was from an Umayyad clan. ʿAmr did not like his brother ʿAbdallāh, but he did like his mother's clan. Ṭabarī, vol.5, p.344; Ṭabaqāt, vol.5, p.185.

3. Aghānī, vol.5, p.75.

4. Ibid.; Ṭabaqāt, vol.5, p.185; Ansāb, vol.4B, p.24.

it is clear that the shurṭa played an important role.

Husayn sent his cousin, Muslim b. <sup>ʿ</sup>Aqīl, to Kūfa ahead of himself. On arrival, Muslim lodged in the house of a Shiite leader, Hāni' b. <sup>ʿ</sup>Urwa. The new governor of Kūfa, <sup>ʿ</sup>Ubaydallāh b. Ziyād, summoned Hāni' and had him beaten, whereupon Hāni' snatched a sword from one of the shurṭa nearby and intended to kill <sup>ʿ</sup>Ubaydallāh. This attempt was prevented and Hāni' was imprisoned.<sup>1</sup>

<sup>ʿ</sup>Ubaydallāh later went to the mosque, accompanied by the shurṭa and firmly harangued the people of Kūfa, warning them not to do anything against the authority of the government.<sup>2</sup> Muslim b. <sup>ʿ</sup>Aqīl, on hearing this, summoned the Shiites to come and express their support for the Shiite cause and some 12,000 people gathered to him. Accompanied by these supporters, Ibn <sup>ʿ</sup>Aqīl then threatened the governor's palace itself, in which, according to Ṭabarī, <sup>ʿ</sup>Ubaydallāh had only 30 shurṭa. Other support for <sup>ʿ</sup>Ubaydallāh from tribal leaders came just in time and the whole crowd outside the palace was dispersed peacefully. Thereafter, Muslim went into hiding in Kūfa.<sup>3</sup>

After this <sup>ʿ</sup>Ubaydallāh ordered all the shurṭa in Kūfa to come to the mosque and gave the warning that if any shurṭī did not come he would be killed.<sup>4</sup> <sup>ʿ</sup>Ubaydallāh then gave the sāhib al-shurṭa full

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1. Ṭabarī, vol.5, p.367; Mas<sup>ʿ</sup>ūdī, Murūj al-dhahab (n.p., 1967), vol.3, p.67.

2. Ṭabarī, vol.5, p.368.

3. Ibid.

4. Kāmil, vol.4, p.26.



authority to search for Muslim b. <sup>C</sup>Aqīl.<sup>1</sup> After a short time Muslim was arrested and killed in 60/679.

Husayn b. <sup>C</sup>Alī, who was in Mecca, then decided to go to Kūfa himself. When the governor of Mecca heard of this he ordered the ṣāhib al-shurṭa not to let Husayn leave Mecca.<sup>2</sup> The ṣāhib al-shurṭa went to see Husayn and told him that the governor had ordered him not to let him go. Violent disputes then broke out amongst the supporters of Husayn and when the governor heard about this he ordered the ṣāhib al-shurṭa to let Husayn go, because he was afraid of the possible consequences of the fighting.<sup>3</sup>

Husayn then proceeded towards Kūfa. When <sup>C</sup>Ubaydallāh, the governor of Kūfa, heard that Husayn was approaching the city he sent the ṣāhib al-shurṭa whose name was Husayn b. Numayr al-Tamīmī to al-Qādisiyya.<sup>4</sup> The ṣāhib al-shurṭa captured a messenger on his way from Husayn to the people of Kūfa and he sent him to <sup>C</sup>Ubaydallāh.<sup>5</sup> When Husayn came nearer Kūfa, <sup>C</sup>Ubaydallāh sent an army under the command of the shurṭa when the fight began against Husayn.<sup>6</sup> These shurṭa were wearing ṭijfāf.<sup>7</sup> As is well-known, Husayn and

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1. Tabarī, vol.5, p.373; Kāmil, vol.4, p.26; Abū Hanīfa, Kitāb al-Khbār al-Tiwāl, Leyden, 1888, p.253.

2. Abū Hanīfa, op.cit., p.257.

3. Ibid.

4. Ibid., p.258; Tabarī, vol.5, p.394.

5. Ibid., p.395; Abū Hanīfa, op.cit., p.258.

6. Tabarī, vol.5, p.434.

7. ṭijfāf was a kind of protective clothing worn in battle by men and horses. Ibn Manẓūr, op.cit., vol.10, p.374.



his followers were killed in 61/680.

When <sup>ʿ</sup>Abdallāh b. Zubayr heard that Ḥusayn had been killed he led a rebellion against the Umayyad governor in Mecca. The governor of Medina ordered the ṣāhib al-shurṭa <sup>ʿ</sup>Amr b. Zubayr, <sup>ʿ</sup>Abdallāh's half-brother, to command an army, but the army was defeated and the ṣāhib al-shurṭa was captured and brought to Mecca. <sup>ʿ</sup>Abdallāh ordered the ṣāhib al-shurṭa to be beaten because he had caused other people to be beaten.<sup>1</sup> Yazīd then sent an army to <sup>ʿ</sup>Abdallāh and they laid siege to Mecca. On hearing of the death of Yazīd the army returned home.

### 3.3 THE ACTIVITY OF THE SHURṬA IN THE CIVIL WAR 64-72/683-91

After the death of Yazīd, the Islamic state was rent asunder by civil war. All factions, Shiʿite, Umayyad or Zubayrite, continued, however, to use the shurṭa whenever they gained control of any area. This process is documented especially clearly for <sup>ʿ</sup>Irāq. After the death of Yazīd, the governor of Basra, <sup>ʿ</sup>Ubaydallāh, fled and the city remained without a governor until <sup>ʿ</sup>Abdallāh b. al-Ḥārith al-Ḥāshimī was elected to the post by tribal leaders. His first action was to appoint a ṣāhib al-shurṭa whose name was Hamiyān b. <sup>ʿ</sup>Adī.<sup>2</sup> The governor's control over the tribesmen was very weak, however, and in desperation the people of Basra wrote to <sup>ʿ</sup>Abdallāh b. Zubayr asking him to appoint a new governor for them. In particular, the ṣāhib al-shurṭa was unable to enforce the governor's authority.<sup>3</sup>

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1. Ansāb, vol. 4B, pp. 24-5; Tabaqāt, vol. 5, pp. 185-86.

2. Ansāb, vol. 4B, p. 105; Ṭabarī, vol. 5, p. 514.

3. Ansāb, vol. 4B, p. 105.

Ibn Zubayr's governor in Kūfa, <sup>C</sup>Abdallāh b.Yazīd al-Anṣārī, also used the shurṭa<sup>1</sup> in his struggles against the Shiites. This governor was replaced by <sup>C</sup>Abdallāh b.Muṭī<sup>C</sup> who appointed his own sāhib al-shurṭa, Iyās b.Mudārib al-<sup>C</sup>Ajlī. The governor advised Iyās on his appointment to treat the people well but to be harsh on wrong-doers.<sup>2</sup>

Trouble soon arose, stirred up by Mukhtār b.Abī<sup>C</sup>Ubayd al-Thaqafī who wanted to avenge Husayn's death and who had a considerable following in Kūfa. The governor, <sup>C</sup>Abdallāh b.Muṭī<sup>C</sup>, was abused and shouted at in the mosque. Thereafter his sāhib al-shurṭa came to him and warned him that Mukhtār was planning an uprising against him and advising him to arrest Mukhtār at once.<sup>3</sup> The governor sent for Mukhtār but the latter pretended to be ill and did not obey the order.<sup>4</sup>

Another tribal leader in Kūfa, Ibrāhīm b.Ashtar, went over to Mukhtār's side and began visiting Mukhtār every evening. The sāhib al-shurṭa was fully aware of these activities and again warned the governor.<sup>5</sup> Thereafter, the sāhib al-shurṭa patrolled the streets of Kūfa, accompanied by the shurṭa, and surrounded the market.<sup>6</sup> In a violent incident which then flared up, the shurṭa confronted

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1. Ṭabarī, vol.5, p.561.

2. Ansāb, vol.5, p.221; Ṭabarī, vol.6, p.10.

3. Ibn al-A<sup>C</sup>tham, vol.6, p.89.

4. Ibid., p.30.

5. Ṭabarī, vol.6, p.18; Ansāb, vol.5, p.224.

6. Ibid.

Ibrāhīm who had 100 armed men with him. The sāhib al-shurṭa told Ibrāhīm that he would have to take him to the governor, whereupon Ibrāhīm grabbed a lance from one of the shurṭa and killed the sāhib al-shurṭa there and then. The shurṭa did not linger but fled at once.<sup>1</sup> When the governor heard about the killing, he appointed the son of the sāhib al-shurṭa as his father's successor.<sup>2</sup>

In the full-scale fighting which later ensued, Ibrāhīm with 3,000 men opposed the new sāhib al-shurṭa with 4,000 shurṭa.<sup>3</sup> The shurṭa were defeated and the sāhib al-shurṭa was killed (66/685).<sup>4</sup>

Mukhtār became master of Kūfa and sent an army under Yazīd b. Anas to attack the Umayyads in Mosul. Both Mukhtār and Yazīd addressed their army as shurṭat Allāh.<sup>5</sup> Mukhtār used the shurṭa against those who were responsible for Husayn's killing.<sup>6</sup> The shurṭa with their leader began a house-to-house search for Husayn's killers and they killed <sup>C</sup>Umar b. Sa<sup>C</sup>d who had been the commander of the Umayyad army against Husayn.<sup>7</sup>

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1. Ṭabarī, vol.6, p.18.

2. Ibid.; Ansāb, vol.5, pp.224-5.

3. Ṭabarī, vol.6, p.23.

4. Ansāb, vol.5, p.226.

5. After Mukhtār was killed the poet A<sup>C</sup>sha Hamadān called Mukhtār's supporters shurṭat al-kufr:

شُرطَةُ الْكُفْرِ عَلَى كُلِّ شَيْءٍ  
وَأَيُّ بَلَمٍ بِأَشْرَطِ الْكُفْرِ عَارِفٌ

Ansāb, vol.5, p.242.

6. Ṭabarī, pp.60-4.

7. Ibn al-ʿA<sup>C</sup>tham, vol.6, pp.120-21. Other anecdotes about the activities of the shurṭa and the sāhib al-shurṭa in Mukhtār's period may be found in Aghānī, vol.14, pp.229-31; Ansāb, vol.5, p.239 and pp.293-4; Futūh, p.375; and Ṭabarī, vol.6, pp.67-8.



Mukhtār remained in control of Kūfa until 67/686 when Muṣṣab b. Zubayr, the governor of Baṣra, attacked the city and Mukhtār was killed. When Muṣṣab took Kūfa, he sent for the wives of Mukhtār. One of them did not criticise her husband, so Muṣṣab ordered a shurtī to kill her, which he did.<sup>1</sup>

### 3.4 THE SHURṬA IN THE CALIPHATE OF ʿABD AL-MALIK IBN MARWĀN AND HIS SON, WALĪD (72-96/691-714)

#### 3.4.1 The situation in the provinces before ʿAbd al-Malik came to power

After ʿAbdallāh b. Zubayr's death, ʿAbd al-Malik became ruler of the whole Islamic state. He began his rule by setting out to control the tribes and attempting to reorganise the state. After the recent civil war the tribes had won control of the cities in ʿIrāq and the tribal leaders at that time appointed themselves as governors and ṣāhib al-shurṭa with alarming frequency.<sup>2</sup>

A similar chaotic situation prevailed in Khurāsān,<sup>3</sup> where the ṣāhib al-shurṭa actually killed the governor.

#### 3.4.2 ʿAbd al-Malik's policy towards his people after he came to power

ʿAbd al-Malik realised that the people in the provinces, especially in ʿIrāq and Khurāsān, had not been used to obeying their governors and that they frequently revolted against them. In his speech in Medina

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1. Ansāb, vol.5, p.264.

2. Ansāb, vol.4B, p.164.

3. Futūh, pp.405-6; Ṭabarī, vol.6, p.177; Ibn al-Aʿtham, vol.6, pp.289-91.



in 75/694 <sup>C</sup>Abd al-Malik mentioned the internal policy which he intended to impose. He announced that he would not be like the 'soft caliph' (i.e. <sup>C</sup>Uthmān) or the 'cunning caliph' (i.e. Mu<sup>C</sup>āwīya), adding that his policy towards the people would be very strict, so much so that if anybody moved his head in the wrong direction it would be cut off.<sup>1</sup>

<sup>C</sup>Abd al-Malik was not even prepared to allow the semblance of informality around the person of the caliph. Sometimes, in Mu<sup>C</sup>āwīya's caliphate, people had shouted at him or given him their opinions in an open way. <sup>C</sup>Abd al-Malik, however, was determined that the people would not act in this way in his presence and if anyone did, he would be punished. According to Ibn Sa<sup>C</sup>d, on one occasion <sup>C</sup>Abd al-Malik was addressing the people of Medina at the time of the pilgrimage when a man shouted at him and before he had finished his request the shurṭa had arrested him.<sup>2</sup> It seems that <sup>C</sup>Abd al-Malik wanted to show himself as a strong autocrat, separate from his people and hard on anyone who undermined his authority.

### 3.4.3 The governorship of Bishr b. Marwān in <sup>C</sup>Irāq (73-75/692-94)

<sup>C</sup>Abd al-Malik appointed his brother, Bishr, as the governor of <sup>C</sup>Irāq in 75/692. Bishr's duty was to maintain law and order among the tribes and to strengthen the authority of the government against rebels. According to Balādhurī, Bishr asked Bishr b. Ghālīb al-Asadī to be his ṣāhib al-shurṭa in Baṣra. However, Ibn Ghālīb refused

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1. Ibn Khayyāt, vol.1, p.349.

2. Tabaqāt, vol.5, p.232.

because he believed that he could not control the city and that he was not qualified for this job.<sup>1</sup> It would appear from his refusal that Ibn Ghālib realised the enormity of such a task.

#### 3.4.4 The governorship of Hajjāj b. Yūsuf, (75-95/697-713)

As is very well-known, <sup>C</sup>Abd al-Malik appointed Hajjāj b. Yūsuf al-Thaqafī as the governor of <sup>C</sup>Irāq in 75/694. According to many historians Hajjāj had served in the shurṭa force. According to Balādhurī, and Ibn Qutayba, Hajjāj had previously been sāhib al-shurṭa in Palestine during the governorship of Abān b. Marwān.<sup>2</sup> According to Ibn al-A<sup>C</sup>tham and Ibn <sup>C</sup>Abd Rabbihi, when <sup>C</sup>Abd al-Malik decided to send the army to fight <sup>C</sup>Abdallāh b. Zubayr, <sup>C</sup>Abd al-Malik's sāhib al-shurṭa came to him and told him that he had a man in his shurṭa qualified to be the commander of this army.<sup>3</sup> <sup>C</sup>Abd al-Malik accepted this suggestion and Hajjāj was successful in his mission, killing <sup>C</sup>Abdallāh b. Zubayr in 72/691. It would appear, therefore, that Hajjāj had had personal experience of the shurṭa force and this was to influence him later when he gave precise instructions on the kind of qualities he would require from his own shurṭa.

In his inaugural address, Hajjāj, like his caliph <sup>C</sup>Abd al-Malik had done, threatened the people of <sup>C</sup>Irāq when he addressed them in

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1. Ansāb, vol.5, p.177.

2. Ibid., p.166; Ma<sup>C</sup>ārif, p.396; Ibn al-<sup>C</sup>Asākir repeats this anecdote (op.cit., vol.3, p.100).

3. Ibn al-A<sup>C</sup>tham, vol.6, pp.271-72; Ibn <sup>C</sup>Abd Rabbihi, op.cit., vol.5, pp.298-99.

the mosque. In his first days in Kūfa, Ḥajjāj sent an army from the city to help Muḥallab b Abī Ṣufra, the governor of Khurāsān, in his fight against the Khārijites. Ibn al-A<sup>C</sup>tham reports that Ḥajjāj realised that the Kūfans did not want to go to fight the Khārijites. He therefore ordered the sāhib al-shurṭa to kill any man who refused to enlist. Ḥajjāj also ordered any fugitives to be flogged.<sup>1</sup>

The alleged extreme cruelty of Ḥajjāj and of his shurṭa force only made the situation worse in a city already notoriously difficult to control. During Ḥajjāj's time at Kūfa there were a number of uprisings which he had to quell. On one such occasion the Khārijites rebelled in Kūfa under the command of a man called Shabīb b. Yazīd. In 76/695, one night, the Khārijites with their leader ran wild through the city of Kūfa attacking the market, the mosque and even Ḥajjāj's palace. It appears that in this attack the Khārijites intended to kill Ḥajjāj and his sāhib al-shurṭa, Ḥawshab. As Ḥawshab was at home at that time, the Khārijites went to his house and tried to trick him into believing that Ḥajjāj had sent them to escort him to him.<sup>2</sup> Ḥawshab realised, however, that these people had not been sent by Ḥajjāj, so he closed the door, but the Khārijites killed one of his servants.<sup>3</sup>

Several points arise from an analysis of this incident. It seems that the Khārijites were able to attack the city whilst the

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1. Ibn al-A<sup>C</sup>tham, vol.7, p.15.

2. Ṭabarī, vol.6, pp.240-41; Ibn al-Athīr repeats the story, Kāmil, vol.4, pp.329-50.

3. Ibid.



shurṭa were apparently not there to prevent them, or it is possible that they were too few in number to provide any strong resistance. The historians do not explain the situation in the city or how the Khārijites attacked the city without any resistance. Probably they attacked without the shurṭa being aware of it. Perhaps this explains why the sāhib al-shurṭa was not on duty but was at home instead. Ḥajjāj was not able to capture Shabīb even with the help of the shurṭa and the army of Kūfa. Therefore he asked <sup>C</sup>Abd al-Malik to send Syrian troops to fight with the Khārijites. After the arrival of these troops, Ḥajjāj succeeded in killing Shabīb and bringing the revolt to an end.<sup>1</sup>

In Ḥajjāj's time a man called Rabāḥ al-Zinjī revolted with his fellow negroes and made trouble throughout the region of the Euphrates. According to Jāḥiẓ, Ḥajjāj sent the deputy of the sāhib al-shurṭa in command of an army to attack the negroes. But this deputy was defeated and killed.<sup>2</sup> From this incident it is clear that on occasion the sāhib al-shurṭa went outside the city to fight against the rebels, if the governor ordered it. Therefore, his authority could extend beyond the city limits whenever the governors made such a request.

In 77/696, Ḥajjāj decided to dismiss the governor of Hamadhān. Fearing the governor's wrath he sent a letter to the sāhib al-shurṭa and ordered him to imprison the governor. The sāhib al-shurṭa

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1. Ṭabarī, vol.6, pp.40-42.

2. Thalāth, p.65.



himself became the governor as a reward for services rendered.<sup>1</sup>

In 82/701, Ḥajjāj faced a most dangerous revolt which was led by ʿAbd al-Raḥmān b. al-Ashʿath. According to Ibn al-Aʿtham, one day Ḥajjāj asked his scribe to choose a man for the post of ṣāḥib al-shurṭa. The scribe advised Ḥajjāj to appoint ʿAbd al-Raḥmān b. al-Ashʿath as his ṣāḥib al-shurṭa, and Ḥajjāj agreed.<sup>2</sup> Ibn al-Aʿtham adds that al-Shaʿbī was sent to Ibn al-Ashʿath to tell him that Ḥajjāj wanted to appoint him to the post of ṣāḥib al-shurṭa. But Ibn al-Ashʿath became angry when he heard this. He replied by asking how he could carry the sword and walk under Ḥajjāj's hand.<sup>3</sup> Ibn al-Ashʿath refused that office because he saw himself as better than Ḥajjāj and he wanted to be the governor instead of him.<sup>4</sup> From this incident it seems that Ibn al-Ashʿath's main reason for revolt was his hatred of Ḥajjāj and his ambitious nature. Ḥajjāj appointed him as commander of the army to fight the Turks in 82/701. When Ibn al-Ashʿath wanted to revolt against Ḥajjāj, he and his ṣāḥib al-shurṭa were the leaders who addressed the soldiers inciting them to revolt against Ḥajjāj.<sup>5</sup> When Ḥajjāj defeated Ibn al-Ashʿath, he ordered every leader of that revolt to be killed. Therefore, in 83/702, Ḥajjāj ordered the death of Ibn

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1. Ṭabarī, vol.6, pp.294-95.

2. Ibn al-Aʿtham, vol.7, p.109-10.

3. Ibid.

4. One of the ancestors of Ibn al-Ashʿath was apparently the king of Kinda before Islam.

5. Ṭabarī, vol.6, p.336.

al-Ash<sup>C</sup>ath's sāhib al-shurṭa.<sup>1</sup> Hajjāj also ordered his own sāhib al-shurṭa to execute one of Ibn al-Ash<sup>C</sup>ath's supporters.<sup>2</sup> According to Ibn al-<sup>C</sup>Asākir, Hajjāj ordered the shurṭa to arrest al-Ḥasan al-Baṣrī because he was Ibn al-Ash<sup>C</sup>ath's supporter.<sup>3</sup> Thereafter, it seems that no one escaped from Hajjāj and his shurṭa and the authority of his government became very strong since he decided to keep the Syrian army in <sup>C</sup>Irāq, whom he had called in to help him put down the revolt.

Hajjāj remained as governor of <sup>C</sup>Irāq and the whole of the eastern provinces after <sup>C</sup>Abd al-Malik's death in 86/705. In the caliph Walīd's time, the situation was very quiet and the sources do not mention any activity of the shurṭa.

#### 3.4.5 The activity of the shurṭa under the last Umayyad caliphs (96-132/714-750)

After Walīd's death his brother, Sulaymān (96-99/714-17), came to the throne and the circumstances in the provinces altered completely. Sulaymān changed most of the governors who had been appointed by the caliph Walīd. This often meant that the sāhib al-shurṭa was also changed because when governors were changed by caliphs, the new governor also appointed his sāhib al-shurṭa who was his relative or from his tribe or at least from a friendly tribe.<sup>4</sup>

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1. Ṭabarī, vol.6, p.374.

2. Ibid., p.380.

3. Ibn al-<sup>C</sup>Asākir, op.cit., vol.4, p.30.

4. Ṭabarī, vol.6, pp.513,542,551; Abū Ḥanīfa, op.cit., p.332.

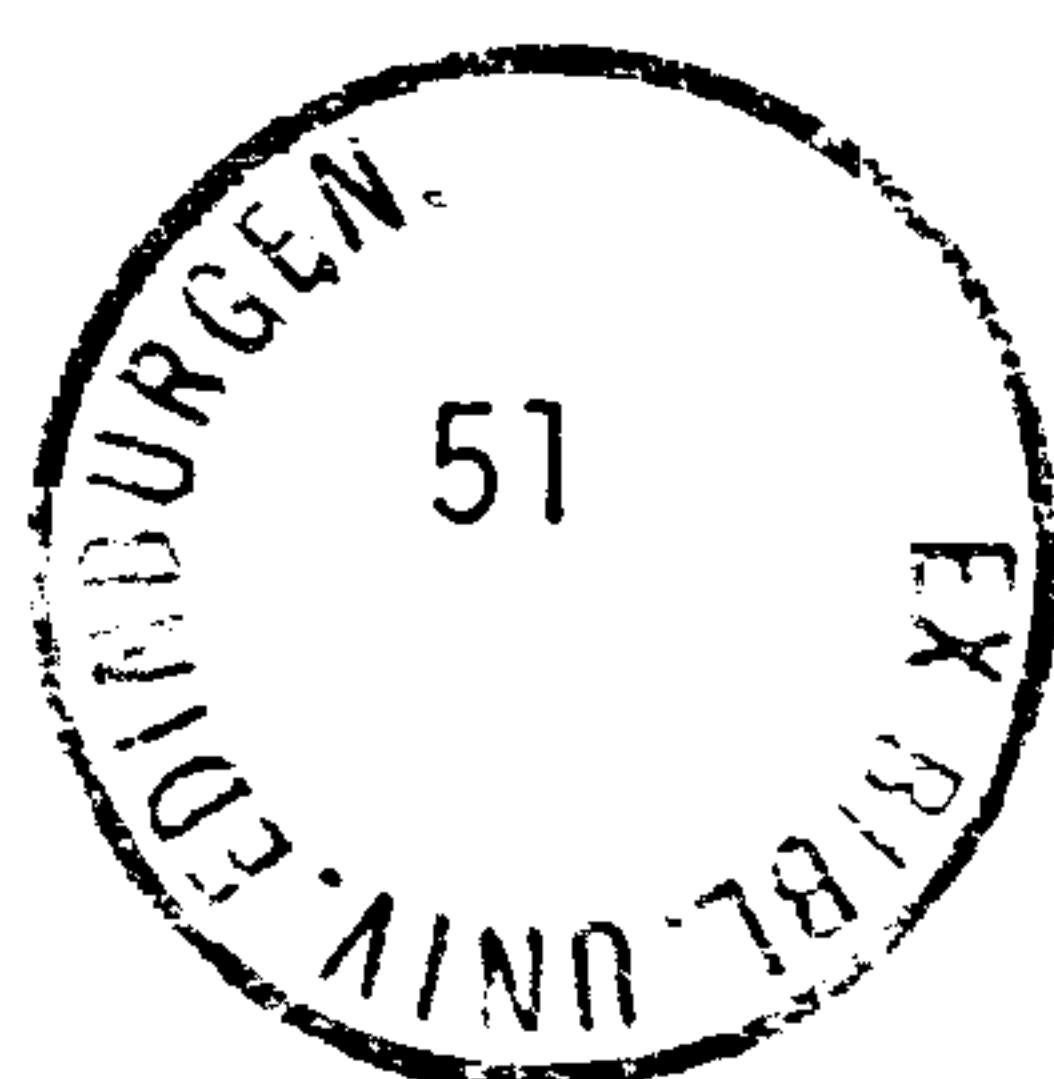
In the short caliphate of Sulaymān, the historians do not mention any great activity of the shurṭa. Before his death Sulaymān appointed in his will his pious cousin, <sup>C</sup>Umar b. <sup>C</sup>Abd al-<sup>C</sup>Azīz to be caliph and Yazid b. <sup>C</sup>Abd al-Malik after him. Sulaymān, on his death bed, ordered his sāhib al-shurṭa to assemble the Umayyads and asked Rajā' b Haywa to read his will to them. According to this will, the Umayyads had to give homage to the new caliph whom Sulaymān had appointed. It seems that the sāhib al-shurṭa played an important role in this by gathering the Umayyad family to be present when Rajā' read the will. He was also a great help to Rajā' in that he threatened anyone who refused to give homage to the person whom Sulaymān appointed.

<sup>C</sup>Umar b. <sup>C</sup>Abd al-<sup>C</sup>Azīz ruled from 99-101/717-19. According to the sources, <sup>C</sup>Umar radically changed the Umayyad administration and appointed religious men to the post of governor, even subjecting would-be governors to a moral examination. For example, when Bilāl b Abī Burda came to Damascus and prayed in the mosque, <sup>C</sup>Umar sent someone to examine his piety, telling his messenger to ask Bilāl, 'If I asked the caliph to appoint you as the governor of <sup>C</sup>Irāq, what would you give me?' The man delivered the message to Bilāl, who said in reply that he would give him a great deal of money to gain the appointment as governor of <sup>C</sup>Irāq. On learning this, <sup>C</sup>Umar did not appoint him because he pretended to be a religious man in order to obtain the job of the governor.<sup>1</sup>

<sup>C</sup>Umar's religious policy had an effect on the shurṭa's activity

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1. Wakī<sup>C</sup>, vol.2, p.27.





and also on internal affairs. According to Kindī, ʿUmar appointed Ayyūb b. Shurhābīl as the governor of Egypt and ordered him to close down and destroy all places where strong drink was consumed.<sup>1</sup>

ʿUmar instructed all governors to punish every evil doer and to imprison them. He also ordered the governors to separate the men from the women prisoners in the prisons.<sup>2</sup> ʿUmar was very strict with anyone who drank in public. For example, according to Ibn Saʿd, ʿUmar ordered non-Muslims to take alcohol into the Muslim cities,<sup>3</sup> and then punished everyone who drank alcohol in public. In spite of his religious policy and his piety, ʿUmar still felt the need to protect himself by the shurṭa and haras. According to Dhahabī, ʿUmar had three hundred shurṭa and three hundred haras.

In 101/719 ʿUmar died after a short reign and was succeeded by Yazīd b. ʿAbd al-Malik. In Yazīd's caliphate the historians do not mention any important activity of the shurṭa, even in the revolt of Yazīd b. Muḥallab against the caliph. It seems that the shurṭa were outnumbered by the rebels and therefore the army was brought in to quell the revolt.

Yazīd b. ʿAbd al-Malik's successor was Hishām b. ʿAbd al-Malik, 105-125/723-42. In Hishām's caliphate the Umayyad state ~~was in~~ ~~difficulties~~ but because of Hishām's ability and his excellent governors, like Khālīd al-Qasrī, 105-120/723-737, in ʿIrāq, the Umayyad state

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1. Wulāt, p.89.

2. Tabaqāt, vol.5, pp.356-57.

3. Ibid., p.365.

4. Tārīkh al-Islām, vol.4, p.173; Suyūṭī, Tārīkh al-Khulafā, (Cairo, 1952), p.237.



lasted for another thirty years. In spite of Hishām's policy to restore stability in the provinces, many revolts occurred in his time. The shurṭa were engaged in dealing with these revolts, and had become less responsible in the observance of their duties. For example, in 119/737, in the governorship of Khālīd al-Qasrī in <sup>C</sup>Irāq, the Khārijites revolted against Khālīd al-Qasrī because of his policy of permitting non-Muslims to build their places of worship, and taking them into his service.<sup>1</sup> This revolt was led by the Khārijite Bahlūl. When Khālīd al-Qasrī heard about the revolt he ordered six hundred Syrian troops to deal with the rebels and also ordered two hundred shurṭa of Kūfa to go with the Syrian army. But before the battle started the Syrian army commander did not allow the shurṭa to fight with them against the rebels. When the fight started the Khārijites defeated the Syrian troops and the Syrians escaped on their horses. When the shurṭa saw that, they escaped too.<sup>2</sup> According to Tabarī, the shurṭa escaped on foot because, unlike the Syrians, they did not have horses.<sup>3</sup> When Bahlūl and his followers reached the shurṭa, the shurṭa begged the Khārijites not to kill them, and managed to escape.<sup>4</sup> It seems that the intense rivalry between the Syrians and the shurṭa led to their defeat, because if they had been united they would probably have defeated the Khārijites. The shurṭa did not fight against the

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1. Tabarī, vol.7, pp.130-37; Kāmil, vol.5, pp.156-57.

2. Ibid.

3. Ibid.

4. Ibid.

Khārijites but preferred to escape, and this meant that they were no longer serious and faithful to the government, as before.

Ṭabarī also relates the revolt of another rebel against Khālīd al-Qasrī in <sup>C</sup>Irāq. This was the revolt of Wazīr al-Sakhtiyānī in Hīra in 119/737. His followers killed everyone they saw and burned down every village they saw.<sup>1</sup> However, when Khālīd heard about that he sent the shurṭa of Kūfa to fight the rebels. The shurṭa were successful, killed the rebels and took their leader prisoner.<sup>2</sup>

In 120/737 Khālīd al-Qasrī was dismissed and was replaced by Yūsuf b <sup>C</sup>Umar al-Thaqafī, 120-126/737-743. In his governorship the Shiites revolted under the command of Zayd b. <sup>C</sup>Alī in 122/739. The shurṭa played their role in that revolt but they were not very successful in ending Zayd's revolt. According to the sources, when Zayd b. <sup>C</sup>Alī came to Kūfa the Shiites asked him to lead a revolt against the Umayyads. The Kūfans gave him their homage, but when Yūsuf b <sup>C</sup>Umar, the governor of <sup>C</sup>Irāq, heard about Zayd's activity in Kūfa, he sent a message to his deputy in Kūfa to gather the men of Kūfa into the courtyard of the mosque. This he did.<sup>3</sup> The shurṭa told the people that anyone who was not in the mosque would be killed. The shurṭa also searched unsuccessfully for Zayd b. <sup>C</sup>Alī in the houses but that night Zayd and his followers began their revolt and went out into the streets to fight the Umayyads.<sup>4</sup>

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1. Ṭabarī, vol.7, p.134.

2. Ibid.

3. Ibid., pp.180-81; Maqātil, p.136.

4. Ibid., p.182; Kāmil, vol.5, p.183.

The deputy of Kūfa ordered his ṣāhib al-shurṭa to patrol the streets of Kūfa. When the ṣāhib al-shurṭa was patrolling the streets, he saw Zayd's followers. Thereupon, the fight began, during which the ṣāhib al-shurṭa was killed and the shurṭa escaped.<sup>1</sup> In this incident the shurṭa escaped without continuing the fight. When Yūsuf b. ʿUmar heard that, he ordered his ṣāhib al-shurṭa to command the Syrian army and to attack Zayd and his followers in Kufa.<sup>2</sup> In the battle between the new force and Zayd and his followers, Zayd was wounded and after a short time he died. Zayd's followers buried him but Yūsuf's ṣāhib al-shurṭa discovered his grave and sent Zayd's head to Yūsuf b. ʿUmar in Hīra.<sup>3</sup>

It seems that the Syrian troops stationed in the garrison cities in ʿIrāq were very active, especially after Ibn al-Ashʿath's revolt, when the troops settled in Wāsiṭ and major cities like Kūfa and Baṣra. As the historians mention, the people of ʿIrāq hated that. This hatred probably had an effect on the shurṭa of Kūfa and Baṣra because they were recruited from the tribes of ʿIrāq. They hated the Syrians being the guardians of the cities and taking over the shurṭa's duty which was to be the protectors of these cities.

We can see that the shurṭa, by the later Umayyad period, had become a secondary force, unlike in the time before the Syrians came and settled in ʿIrāq. The shurṭa were then the main force which fought against rebels. With the coming of many troops to ʿIrāq at

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1. Maqātil, pp.136-37.

2. Ibid.

3. Ṭabarī, vol.7, p.190.

the request of Hajjāj in 82/701 to help put down the revolt of Ibn <sup>al-</sup>Ash<sup>C</sup>ath, the situation changed for the shurṭa. These new troops remained and, as mentioned before, they took over some of the duties of the shurṭa, especially in dealing with the rebels against the Umayyad government.

The caliph Hishām died in 125/742 and was succeeded by his nephew, Walīd b. Yazīd, 125-126/742-43. In Walīd II's short reign Zayd b. <sup>C</sup>Alī's son, Yaḥyā, was killed. Jāḥiẓ reports that after Yaḥyā was discovered in Khurāsān, the ṣāḥib al-shurṭa, Salam b. Aḥwaz, of the governor of Khurāsān, Naṣr b. Sayyār, killed him.<sup>1</sup> In 126/743 the caliph Walīd II was killed and the Islamic state was engaged in civil war until 132/750 when the Umayyad state was brought to its end by the <sup>C</sup>Abbāsids.

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1. Hayawān, vol.2, p.106.



## Chapter 4

THE ṢĀHIB AL-SHURṬA IN THE Umayyad Period

## Chapter 4

### THE ṢĀHIB AL-SHURṬA IN THE Umayyad Period

#### 4.1 THE PERSONAL QUALITIES EXPECTED OF THE ṢĀHIB AL-SHURṬA

As discussed earlier, the ṣāhib al-shurṭa was one of the men closest to the caliph or the governor. He needed, therefore, to be trustworthy. The historical sources available show that the ṣāhib al-shurṭa was expected to possess certain qualities in order to be appointed to this important post. According to Ya<sup>c</sup>qūbī, Ziyād b. Abīhi said that the job of shurṭa could only be administered by old and experienced men. Ziyād added that the ṣāhib al-shurṭa should be tough and not careless.<sup>1</sup>

Other historians indicate that Ḥajjāj b. Yūsuf al-Thaqafī also required certain qualities from the ṣāhib al-shurṭa. Ibn Qutayba reports Ḥajjāj as having said, 'Tell me about a suitable man for the office of ṣāhib al-shurṭa'. Then someone asked him: 'What kind of man do you want?' Ḥajjāj replied that he wanted a man who constantly scowled, was patient and trustworthy, not given to treachery nor furious when presented with the truth, and impervious to the intercession of high-ranking people.<sup>2</sup> Then Ḥajjāj was advised to appoint <sup>c</sup>Abd al-Rahmān al-Tamīmī as his ṣāhib al-shurṭa.<sup>3</sup> This

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1. Ya<sup>c</sup>qūbī, vol.2, p.223.

2. Uyūn, vol.1, p.16.

3. Ibid.

story is also reported by Ibn al-A<sup>C</sup>tham who also mentions why Ḥajjāj wanted these qualities from his sāhib al-shurṭa. <sup>C</sup>Abdal-Rahmān b. al-Ash<sup>C</sup>ath was offered the post of sāhib al-shurṭa but he refused it. ~~The Scholar al-Sha~~<sup>C</sup>bī came to Ḥajjāj's scribe and told him this. The scribe did not want to make Ḥajjāj angry, so he told him that he did not want Ibn al-Ash<sup>C</sup>ath to be sāhib al-shurṭa because the latter was soft and easily swayed.<sup>1</sup> Finally Ḥajjāj appointed <sup>C</sup>Abdal-Rahmān b. <sup>C</sup>Ubayd as his sāhib al-shurṭa. Ibn al-A<sup>C</sup>tham adds that <sup>C</sup>Abdal-Rahmān asked Ḥajjāj in his turn not to allow his (Ḥajjāj's) family and associates to come with requests for preferential treatment to him. Ḥajjāj agreed to this condition and ordered that an announcement should be made to the people that if anyone asked Ḥajjāj's family to mediate between them and the sāhib al-shurṭa he would be killed.<sup>2</sup>

Ṭabarī stresses that the sāhib al-shurṭa should be honest and cites an anecdote in this connection. <sup>C</sup>Umar b. Hubayra, the governor of <sup>C</sup>Irāq during the caliphate of Hishām b. <sup>C</sup>Abd al-Malik, appointed Muslim b. Sa<sup>C</sup>īd as the governor of Khurāsān in 106-724. <sup>C</sup>Umar advised Muslim to urge his sāhib al-shurṭa to be honest.<sup>3</sup> Ibn <sup>C</sup>Abd Rabbihi, writing from far-away al-Andalus, has a similar story, saying that when <sup>C</sup>Umar b. Hubayra made Muslim b. Sa<sup>C</sup>īd governor of Khurāsān, <sup>C</sup>Umar said to him:

'There are three pieces of advice that I recommend that you follow. Your chamberlain (hājib) is

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1. Ibn al-A<sup>C</sup>tham, vol.7, pp.110-11.

2. Ibid.

3. Ṭabarī, vol.7, pp.34-5.

the face with which you see people. If he does good then you do good, and if he acts wickedly then you act wickedly. As for the sāhib al-shurṭa who is your lash and your sword, wherever he puts them, you put them.<sup>1</sup>

It is interesting to note that these two writers have similar stories and that they extract the same interpretation from the information. Thus Ibn ʿAbd Rabbihi points out that if the sāhib al-shurṭa was not honest in carrying out the governor's orders, then he might cause shame to the reputation of the governor, even though the governor might know nothing about it. Whenever an unpopular decision or action was taken, even if on the initiative of the sāhib al-shurṭa alone, it was always the governor who received full blame.

According to Balādhurī, the governor of Kūfa, ʿAbdallāh b Muṭīʿ, during the caliphate of ʿAbdallāh b. Zubayr, exhorted the sāhib al-shurṭa to be well-mannered to the people but tough towards suspects and criminals.<sup>2</sup>

The qualities mentioned in the foregoing discussion are described as ideally to be possessed by the sāhib al-shurṭa. Of course, the reality was rather different. Commenting on this, Levy writes that the people who held the office of the sāhib al-shurṭa were famous for their cruelty and unscrupulousness.<sup>3</sup> Whilst it is clear that the men who were sāhib al-shurṭa were tough,

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1. Ibn ʿAbd Rabbihi, op.cit., vol.1, p.15.

2. Ansāb, vol.5, p.221.

3. R.Levy, An introduction to the Sociology of Islam (London, 1931-33), vol.1, p.366.



perhaps Levy goes too far when he calls them unscrupulous. Certainly, the latter term implies that they would go to any lengths to achieve their aims. It would, however, appear to be the case that most ṣāḥib al-shurṭa were respectable, honourable men, at least by the standards of their time. They carried out the orders of their governors to the best of their abilities. Of course, at times, too much force may have been used against criminals, especially in the period of Ziyād and Ḥajjāj, but this was a period of great instability and it was vital to maintain law and order at all costs. The standards of cruelty were usually set by the governors, and their ṣāḥib al-shurṭa modelled their own behaviour on that of their masters. An especially cruel governor, such as Ziyād, is credited in the sources with having an equally cruel ṣāḥib al-shurṭa.<sup>1</sup> Similarly, Abu'l Faraj mentions that <sup>C</sup>Abdallāh b. Mu<sup>C</sup>āwiya carried out cruel and tough policies and that his ṣāḥib al-shurṭa was equally tough, killing anyone who left his house at night.<sup>2</sup>

It is amusing to note that on occasion the similarity between the governor and the ṣāḥib al-shurṭa extended to their physical characteristics. According to Ibn Qutayba, the governor of <sup>C</sup>Irāq in the caliphate of <sup>C</sup>Umar b. <sup>C</sup>Abd al-<sup>C</sup>Azīz, <sup>C</sup>Abd al-Rahmān b. Zayd had a limp and his ṣāḥib al-shurṭa in Kūfa, Qa<sup>C</sup>qā<sup>C</sup> b. Suwayd also limped. This prompted the poet to write the following lines:<sup>3</sup>

لأَمِيرِنَا وَأَمِيرِ شُرْطَتِنَا مَاءً      يَا قَوْمَنَا لَكِيهَمَا رَجُلَانِ

1. Ansāb, vol.4A, p.171.

2. Maqātil, p.162.

3. Uyūn, vol.4, p.67.

## 4.2 THE POST OF ṢĀḤIB AL-SHURṬA IN THE Umayyad PERIOD

In the Umayyad period the institution of shurṭa was found both in the capital and in the major cities of the Islamic empire. The head of this institution was the ṣāḥib al-shurṭa who was responsible either to the caliph in the capital or to the provincial governors.

In this section the relationship of the ṣāḥib al-shurṭa with the caliphs and governors will be analysed and the requirements and expectations of the office will be discussed.

### 4.2.1 The relationship between the ṣāḥib al-shurṭa and the caliphs and the governors

The caliph was the head of the Islamic state; he ruled the country with the help of a few men, one of whom was the ṣāḥib al-shurṭa. When the Umayyads came to power in 40/661, the first caliph of that dynasty, Mu<sup>C</sup>āwiya, increased the importance of the shurṭa and its commander by making the institution the most important internal force for the imposition of law and order as well as using this body as protector against his personal enemies. The office of the ṣāḥib al-shurṭa in the capital Damascus during the Umayyad period became the most important and powerful position at court after that of the caliph himself. As far as the provinces were concerned, the office of ṣāḥib al-shurṭa was next only to that of the governor.

The usual progression of promotion in the higher levels of government would appear to have been that the provincial governors would provide the pool from which the caliph's highest official, the ṣāḥib al-shurṭa, would be appointed. There are many examples

in the sources of this practice. Mu<sup>C</sup>āwīya appointed the governor of Kūfa, Ḍaḥḥāk b. Qays al-Fihri as his sāhib al-shurṭa.<sup>1</sup> Similarly, Marwān b. Ḥakam appointed <sup>C</sup>Amr b. Sa<sup>C</sup>īd b. al-<sup>C</sup>Ās, who was the governor of Medina in 61/680, as his sāhib al-shurṭa in 65/684 in Egypt.<sup>2</sup>

A similar procedure was followed by the anti-caliph, <sup>C</sup>Abdallāh b. Zubayr, when he seized power in the Arabian peninsula in 64-73/683-692. He originally appointed Abdallāh b. Mutī<sup>C</sup> as governor of Kūfa in 66/685. Thereafter, when that governor escaped from Mukhtār at the time of the latter's revolt, <sup>C</sup>Abdallāh b. Zubayr appointed him as his own sāhib al-shurṭa in Mecca.<sup>3</sup>

One of the major duties of the sāhib al-shurṭa in the capital was to act with his men as protector of the caliph whenever the latter went out of his palace.<sup>4</sup> This practice was also followed in the Umayyad period by the provincial governors who also began to protect themselves. In <sup>C</sup>Irāq, whenever the famous governor Ziyād b. Abīhi went out, he was protected by guards, and the sāhib al-shurṭa walked in front of him with his lance in his hand.<sup>5</sup>

1. Tabarī, vol.5, pp.300,323.

2. Wulāt, p.70; Tabarī, vol.5, p.343.

3. Ibid., vol.6, p.9; Aghānī, vol.15, p.152.

4. Ibid., vol.7, p.7; Kathīr, vol.9, p.212. According to Ibn al-Jawzī (d.597/1200), when <sup>C</sup>Umar b. <sup>C</sup>Abd al-<sup>C</sup>Azīz became caliph the sāhib al-shurṭa arrived with horses and men in order to walk before the new caliph as his bodyguards. But <sup>C</sup>Umar refused protection and taking his horse he walked freely with the people.\* This later account may well be of dubious authenticity and it certainly conflicts with the evidence of earlier historians such as Ibn Sa<sup>C</sup>d\*\* and Dhahabī,\*\*\* who say that <sup>C</sup>Umar II was protected by both shurṭa and ḥaras. Dhahabī mentions that <sup>C</sup>Umar II had 300 shurṭa and 300 ḥaras.

\*Ibn al-Jawzī, Kitab Ṣifat al-Ṣafwa (Hyderabad, 1355), vol.2, p.64.

\*\*Tabaqāt, vol.5, p.333. \*\*\*Tārīkh al-Islām, vol.4, p.173.

5. Ansāb, vol.4A, p.188; Tabarī, vol.5, p.223.



Inside the palace, the ṣāhib al-shurṭa also had a protective role to play. He would stand near the caliph, ready to defend him if necessary, to silence, dismiss or even execute a man on the order of the caliph. During an argument between the caliph Walīd b. <sup>ʿ</sup>Abd al-Malik and his cousin <sup>ʿ</sup>Umar b. <sup>ʿ</sup>Abd al-<sup>ʿ</sup>Azīz, the ṣāhib al-shurṭa was present in the caliph's court. According to one source, the ṣāhib al-shurṭa told <sup>ʿ</sup>Umar that he would behead him, should he receive the order to do so from the caliph, as Walīd was becoming displeased with <sup>ʿ</sup>Umar's argument.<sup>1</sup> On another occasion, it happened that someone in the court of <sup>ʿ</sup>Umar b. <sup>ʿ</sup>Abd al-<sup>ʿ</sup>Azīz made an offensive remark and the ṣāhib al-shurṭa, who was attending the court, immediately ordered the man to leave. But this time the caliph countermanded the order of the ṣāhib al-shurṭa and asked the man to stay.<sup>2</sup> A third incident was when the caliph <sup>ʿ</sup>Abd al-Malik decided to execute <sup>ʿ</sup>Amr b. Sa<sup>ʿ</sup>īd b. al-<sup>ʿ</sup>Ās for conspiracy. He ordered the ṣāhib al-shurṭa, who was attending the court, to carry out the execution.<sup>3</sup>

Because of the importance and the responsibility wielded by the ṣāhib al-shurṭa in the palace, the caliphs were careful only to appoint people to these posts whom they considered to be faithful and trustworthy. The example of Mu<sup>ʿ</sup>āwīya may be cited here. As he lay dying, he called two people to his bedside in order to confide his last wishes to them, stating in particular that he wished to be succeeded by his son Yazīd. One of these two men was his ṣāhib

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1. Nahj, vol.17, p.43.

2. Ibid., vol.18, p.165.

3. Ansāb, vol.4B, p.145.



al-shurṭa, Daḥḥāk al-Fihri.<sup>1</sup>

The political importance of the office of the ṣāḥib al-shurṭa in this period is also demonstrated by another incident at a death-bed. As he was on the point of death, Sulaymān b. <sup>C</sup>Abd al-Malik (96-99/714-17) summoned his ṣāḥib al-shurṭa to give him his order that after his death the ṣāḥib al-shurṭa should assemble Sulaymān's family and kill anyone who refused to abide by the terms of his will.<sup>2</sup>

In addition to the privilege of attending the courts of the caliphs and governors, the ṣāḥib al-shurṭa had the right to make suggestions concerning the internal affairs of a state or city, especially in matters of security. For instance, during the caliphate of <sup>C</sup>Abdallāh b. Zubayr the governor of Kūfa was advised by his ṣāḥib al-shurṭa to imprison Mukhtār al-Thaqafī for being a trouble maker.<sup>3</sup> In another incident, the ṣāḥib al-shurṭa of the governor of Kūfa, Mughīra b. Shu<sup>C</sup>ba (41-50/661-670) reported to his master that there were some people planning to make trouble and advised him to be aware of them.<sup>4</sup> Another example is reported by Ibn al-A<sup>C</sup>tham. The ṣāḥib al-shurṭa of the governor of Khurāsān, in the caliphate of <sup>C</sup>Abd al-Malik b. Marwān, came to the governor and informed him that the ex-governor, whose name was Bukayr b. Wishāh, was planning to revolt against him and that the governor should imprison him.<sup>5</sup>

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1. Ṭabarī, vol.5, p.323.

2. Abū Ḥanīfa, op.cit., p.332.

3. Ṭabarī, vol.6, p.11.

4. Ibid., vol.5, p.181.

5. Ibn al-A<sup>C</sup>tham, vol.7, p.289.

As mentioned before, the duty of the ṣāhib al-shurṭa was to protect the caliph from his internal enemies and to be responsible for the security of the capital. Not surprisingly, if the ṣāhib al-shurṭa neglected his responsibilities, the security of the capital and the whole state could be put in jeopardy. The following anecdote illustrates the consequences of dereliction of duty by the ṣāhib al-shurṭa. In 126/743 Yazīd b. Walīd decided to capture Damascus from the caliph Walīd b. Yazīd. The caliph Walīd was away from the city and had put one of his relatives in charge. But when the rebels decided to capture the city, the caliph's deputy was away as well. For this reason the ṣāhib al-shurṭa and the son of the deputy of the caliph were in charge of the security of the city. When the rebels attacked the great Mosque of Damascus and took prisoner all the guards of the Mosque, as well as capturing the caliph's palace, the ṣāhib al-shurṭa was apparently drunk.<sup>1</sup> Thus the capturing of Damascus proved to be surprisingly easy.

So much for the political role of the ṣāhib al-shurṭa in the palace of the caliph himself and in Damascus. It is clear that the office involved a high degree of responsibility and confidentiality and that the ṣāhib al-shurṭa was one of the closest advisers and associates of the caliph.

A similar situation existed in the provinces of the Umayyad state where each governor (wālī) was provided with a ṣāhib al-shurṭa, who was the most important and powerful man, after the governor himself. In those troubled times, especially in the garrison cities

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1. Aghānī, vol.7, p.76.

of <sup>C</sup>Irāq, the ṣāhib al-shurṭa played a key role in the imposition of central authority and the maintenance of law and order.

At certain times in some provinces such as <sup>C</sup>Irāq and Khurāsān, there was an overall governor (wālī) for the whole area and at the same time each major city had sub-governors (ḥāmil).<sup>1</sup> Both the wālīs and ḥāmils, in such a situation, had their own ṣāhib al-shurṭa. Thus the pattern in the capital was repeated on two levels in the provinces.

Frequently, the ṣāhib al-shurṭa would be required to take the place of the governor when the latter was away. This was especially the case in Egypt where many governors were absent from Fustāt during the time of Yazīd b. Mu<sup>C</sup>āwiya and the ṣāhib al-shurṭa deputised.<sup>2</sup> The example of <sup>C</sup>Abd al-<sup>C</sup>Azīz b. Marwān, the governor of Egypt (65-84/285-703) during the caliphate of <sup>C</sup>Abd al-Malik b. Marwān may also be cited. This governor left Egypt for Syria to visit the caliph, having appointed his ṣāhib al-shurṭa as his deputy.<sup>3</sup> There are other references of this kind which indicate that it was the usual practice for the ṣāhib al-shurṭa to deputise for the governor.<sup>4</sup> Usually the ṣāhib al-shurṭa would simply follow the policies of the absent governor when deputising. Occasionally, however, he would

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1. For example, Hajjāj was governor of <sup>C</sup>Irāq and there were sub-governors in Kūfa and Basra. Similarly, Khālīd al-Qasrī was governor of the whole of <sup>C</sup>Irāq in the caliphate of Hishām (105-125/723-742).

2. Wulāt, p.62.

3. Ibid., p.73.

4. e.g. Ibid., p.95.



govern the province according to his own views, which did not always please the governor. One such ṣāhib al-shurṭa was <sup>C</sup>Ābis b. Sa<sup>C</sup>īd who, in the absence of the governor <sup>C</sup>Abd al-<sup>C</sup>Azīz b. Marwān, decided of his own accord to increase the salaries of the jund of Fustāt. On his return the governor did not approve of this course of action but he was faced with a dilemma. If he reversed this decision he would anger the troops. So he agreed with the increase in salary. Kindī records this incident and mentions that the ṣāhib al-shurṭa told the governor that he was at liberty to change the decision if he wanted.<sup>1</sup>

Normally the selection of the ṣāhib al-shurṭa was made in the provinces by the governor, who chose a man known to him to be loyal. Whenever there was a change of governor, the ṣāhib al-shurṭa was changed too. The sources, when making a precise reference to the post of a ṣāhib al-shurṭa in the Umayyad period, do not mention the ṣāhib al-shurṭa of this or that province but the ṣāhib al-shurṭa of this or that governor. This suggests strongly that a new ṣāhib al-shurṭa would be appointed immediately after the arrival of a new governor.

The ṣāhib al-shurṭa not only became deputy for the governors but at times replaced them. In the caliphate of <sup>C</sup>Abd al-Malik b. Marwān, the governor of Hamadān was eventually replaced by the ṣāhib al-shurṭa.<sup>2</sup> Another such example of a ṣāhib al-shurṭa replacing a governor was in the caliphate of Hishām who dismissed the governor of Egypt and appointed the ṣāhib al-shurṭa of Fustāt,

1. Wulāt, p.70.

2. Ṭabarī, vol.6, p.294.



whose name was Ḥafṣ b. Walīd to that position.<sup>1</sup>

Sometimes when a governor died, the sāhib al-shurṭa would be at the head of the interim government in the province until a new government was appointed. It is clear from this custom that the sāhib al-shurṭa had a natural claim to the post of governor of the province; he was the obvious choice on the spot to take overall authority. Kindī cites in this connection the example of <sup>C</sup>Abd al-Rahmān b. Khālīd al-Fahmī, formerly the sāhib al-shurṭa in Fustāt who in 117/735 was appointed governor of Egypt.<sup>2</sup>

It should be added in this analysis of the duties of the sāhib al-shurṭa in the Umayyad period that other functions were ascribed to the office by later historians. In particular, there is an account by Ibn Taghrībirdī which includes the duty of acting as prayer-leader amongst the functions of the sāhib al-shurṭa.<sup>3</sup> What the author's evidence for this account is, is not clear but it would appear that no earlier extant source mentions any similar story. Since in the Umayyad period the sāhib al-shurṭa was the caliph's major adviser and official, it is not, however, inconceivable that if the caliph was absent from the prayers, the sāhib al-shurṭa should deputise for him. The caliph in question in Ibn Taghrībirdī's account was Yazīd b. <sup>C</sup>Abd al-Malik (101-105/719-23) who was noted by the earlier historians as being negligent of his responsibilities.<sup>4</sup>

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1. Wulāt, p.96.

2. Ibid., pp.98-101.

3. Ibn Taghrībirdī, Nujūm al-Zāhira (Cairo, n.d.), vol.1, p.255.

4. Maṣ<sup>C</sup>ūdī, op.cit., vol.3, pp.207-10; Azdī, Tārīkh Mawṣil (Cairo, 1967), pp.18-20.

### 4.3 THE INFLUENCE OF TRIBALISM IN THE APPOINTMENT OF THE ṢĀHIB AL-SHURṬA IN THE Umayyad PERIOD

#### 4.3.1 Caliphs who consistently kept to a tribal policy

A policy of favouring certain tribes to the detriment of others was vigorously adopted by many Umayyad caliphs. This process of gaining support for their regime can be traced clearly in their selection of suitable people to hold the office of ṣāhib al-shurṭa.

Yazīd, son of Mu<sup>c</sup>āwīya I, adopted a policy of tribalism, favouring the Yemen<sup>1</sup> tribes over others. Much of Yazīd's support came from the Yemen tribes (especially the Kalb tribe). Probably this marked preference sprang in part from the influence of Yazīd's mother who was from the Yemen tribes. Another reason for his opting for officials from the Yemen tribes was that it was they who supported him in his fighting against <sup>c</sup>Abdallāh b. Zubayr. The ṣāhib al-shurṭa during Yazīd's short reign came, therefore, from the tribes of Yemen and the man appointed was Humayd b. Hurayth b. Baḥdal al-Kalbī.<sup>2</sup>

After the death of Yazīd in 64/683, he was succeeded as caliph by his son Mu<sup>c</sup>āwīya who died after only two months without nominating his successor. In the Ḥijāz, <sup>c</sup>Abdallāh b. Zubayr declared himself caliph, while the office of the caliphate was empty in Syria. In this disturbed period, the loyalties of the Arab tribes were

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1. There is always a problem of definition over tribes and clans in the sources. For the sake of clarity, the two major tribal groupings are cited here as Mudar and Yemen although this simplification may be a little crude.

2. Ansāb, vol. 4B, p. 6.

divided. The leaders of the Mudar tribes, Dahhāk b. Qays and Zufar b. al-Hārith, supported Ibn Zubayr in Syria, while the Yemenī tribal groups in Syria, such as Kalb, Ghassān favoured the Umayyad claimant, Khālīd b. Yazīd. It is not surprising that the tribes of Yemen, in particular the Kalb tribes, were supporters of Khālīd since their leaders were the maternal uncles of Khālīd.<sup>1</sup>

As is well-known, the eventual outcome of this power struggle was that Marwān b. al-Hakam, a senior leader of the Umayyad family, was elected by the Yemenite tribes as caliph, on condition that he agreed to appoint Khālīd b. Yazīd as his successor. These tribes also insisted on having a special share of the state revenue and on being given the best posts.<sup>2</sup> It was natural, therefore, that during the caliphate of Marwān the official government posts should be occupied by Marwān's supporters who came from the ranks of the Yemenite tribes in Syria. As regards the office of sāhib al-shurṭa, Marwān appointed Yahya b. Qays b. Hārith al-Ghassānī.<sup>3</sup>

When Walīd b. <sup>C</sup>Abd al-Malik became caliph in 86-96/705-714 the situation changed because Walīd was committed to the Mudar and markedly favoured them. Walīd's attitude may have sprung from the fact that his mother came from this tribal group (she was from the Banū <sup>C</sup>Abs).<sup>4</sup> This helps to explain his action in

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1. Ibid., vol.5, p.128.

2. Mas<sup>C</sup>ūdī, op.cit., vol.3, p.95. This condition was the same condition which the Kalb tribe had made with Mu<sup>C</sup>āwiya.

3. Ma<sup>C</sup>ārif, p.107; Ibn Khayyāt, vol.1, p.331.

4. Ansāb, vol.5, p.311; Ṭabarī, vol.6, pp.419-20.



distributing most official posts among the Mudar tribes<sup>1</sup> from whose ranks came Hajjāj who was the favoured governor of Walīd. Walīd's sāhib al-shurṭa was Ka<sup>C</sup>b b. Hāmīd al-<sup>C</sup>Absī, the same man who had been the sāhib al-shurṭa of <sup>C</sup>Abd al-Malik. Also he was Walīd's maternal uncle (khāl).<sup>2</sup>

Another caliph who favoured the Mudar tribes was Yazīd b. <sup>C</sup>Abd al-Malik (101-5/720-4). No doubt he was influenced to some extent by his wife who came from the Banū Thaqīf (from the Mudar tribes). During his caliphate the post of sāhib al-shurṭa was occupied by Ka<sup>C</sup>b b. Hāmīd al-<sup>C</sup>Absī from the Mudar tribes, the same man who was the sāhib al-shurṭa for Yazīd's father and his two brothers, Walīd and Sulaymān.<sup>3</sup>

After Yazīd's death in 105/724, the next caliph, his brother Hishām, favoured the Mudar tribes, hating the Yemenī tribes ( بني يمن ).<sup>4</sup> He retained the sāhib al-shurṭa, Ka<sup>C</sup>b b. Hāmīd al-<sup>C</sup>Absī, in his position and when after thirteen years Ka<sup>C</sup>b was appointed governor of Armenia, the post of the sāhib al-shurṭa was occupied by another person from the same tribe of Ka<sup>C</sup>b, whose name was Yazīd b. Ya<sup>C</sup>lā b. Dakham al-<sup>C</sup>Absī.<sup>5</sup>

A similar policy of showing favour to one particular tribal group over another was followed in the short reigns of the remaining

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1. Ibn Khayyāt, vol.1, pp.417-18.

2. Ṭabarī, vol.6, p.548; Ibn <sup>C</sup>Abd Rabbihi, op.cit., vol.5, p.188.

3. Ya<sup>C</sup>qūbī, vol.3, p.58; Ibn <sup>C</sup>Abd Rabbihi, op.cit., vol.5, p.204.

4. Abū Ḥanīfa, op.cit., p.342.

5. Ibn Khayyāt, vol.2, p.379.



Umayyad caliphs after Hishām. For example, Yazīd b. Walīd (ruled 126/744) appointed as ṣāhib al-shurṭa a man called Bukayr b. Shamākh al-Lakhmī. He came from the Yemen tribes on whose support Yazīd had leaned in his struggle against Walīd b. Yazīd.<sup>1</sup>

#### 4.3.2 Caliphs who showed a more flexible policy towards the tribes

(a) Certain Umayyad caliphs showed themselves to be more flexible in their attitude to the tribes but this was often from weakness rather than strength and for personal reasons. Before the Umayyad caliph Sulaymān came to power he was a supporter of the Muḍar tribes against the Yemenī tribes.<sup>2</sup> Sulaymān's mother was from the Muḍar tribes and, according to Ibn <sup>C</sup>Abd Rabbihi, Sulaymān spent his childhood with the <sup>C</sup>Abs, with his uncle's family.<sup>3</sup> When Sulaymān became caliph in 96/715, however, he appointed Yazīd b. Muḥallab, who came from the Yemenī tribe, as governor of <sup>C</sup>Irāq and ordered him to punish the family of Ḥajjāj. It appears that Sulaymān did not desert his early loyalty to the Muḍar entirely but he had been angered by some Muḍarī governors like Ḥajjāj, Qutayba b. Muslim and Muḥammad b. Qāsim al-Thaqafī who had supported Walīd b. <sup>C</sup>Abd al-Malik against him, especially when Walīd had wanted to appoint his son instead of Sulaymān as caliph. Nevertheless, Sulaymān kept Ka<sup>C</sup>b b. Ḥāmid al-<sup>C</sup>Absī as his ṣāhib al-shurṭa,<sup>4</sup> the same ṣāhib al-shurṭa

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1. Ibn Khayyāt, Vol.2, p.389; Ya<sup>C</sup>qūbī, vol.3, p.77.

2. Ansāb, vol.5, p.311.

3. Ibn <sup>C</sup>Abd Rabbihi, op.cit., vol.5, p.188.

4. Ṭabarī, vol.6, p.551.

who had served his father and his brother before him.

During the short time of Walīd II, 125-6/743-4, the Mudar tribes were the preferred group. Once again, through his mother, Walīd II was related to the Mudar (in this case, Banū Thaqīf).<sup>1</sup> According to Abū Ḥanīfa Dīnawarī, Walīd II wrote a poem in which he vilified the Yemenī tribes.<sup>2</sup> The Yemenī tribes, in their turn, stood with Yazīd III against Walīd II, a struggle which culminated in the killing of Walīd II and the accession of Yazīd III in 126/744.<sup>3</sup> In spite of Walīd's hostility to the Yemenī tribes, historians mention that his ṣāhib al-shurṭa was from the Yemenī tribes. According to Ya<sup>c</sup>qūbī, his ṣāhib al-shurṭa was <sup>c</sup>Abd al-Rahmān b. Ḥamīd from the tribes of Yemen (Kalb).<sup>4</sup> Khalīfa b. Khayyāt says that the caliph Walīd II appointed a ṣāhib al-shurṭa from the Yemenī tribes who was then dismissed in favour of another man from the Yemenī tribes whose name was <sup>c</sup>Abdallāh b. <sup>c</sup>Āmir al-Kilā<sup>c</sup>ī.<sup>5</sup> These historians do not mention any explanation for Walīd's appointment of the ṣāhib al-shurṭa from the Yemenī tribes whilst he was known to be hostile to this tribal group. Walīd II was notorious for his profligate ways<sup>6</sup> and he antagonised many of his relatives and followers but his

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1. Mas<sup>c</sup>ūdī, op.cit., vol.3, p.229; Azdī, op.cit., p.51.

2. Abū Ḥanīfa, op.cit., p.348.

3. Ibid., pp.348-9.

4. Ya<sup>c</sup>qūbī, op.cit., vol.3, p.76.

5. Ibn Khayyāt, vol.2, p.385.

6. Ibn <sup>c</sup>Abd Rabbihi, op.cit., vol.5, pp.222-23; Ibn al-A<sup>c</sup>tham, vol.8, p.137.

motivation for his selection of ṣāhib al-shurṭa remains unclear.

From the preceding discussion it is clear that many of the Umayyad caliphs appointed to the office of ṣāhib al-shurṭa someone belonging to the tribes who had supported them against their opponents in their struggle for power. It should be added that a similar process operated in the provinces when a governor chose his ṣāhib al-shurṭa.<sup>1</sup> It is noteworthy that the post was never occupied by a non-Arab throughout the Umayyad period. Only a few, more capable, Umayyad caliphs chose people for this office on a super-tribal basis.

In view of their policy of tribalism, it is not surprising that Umayyad caliphs and governors did not appoint clients (mawālī)<sup>2</sup> to the post of ṣāhib al-shurṭa nor indeed to any of the great state offices. There would appear to be only one exception in the sources to this general exclusion of the mawālī from high state office. According to Kindī, Bishr b. Ṣafwān, the governor of Egypt in 101/719 appointed Shu<sup>C</sup>ayb b. Humayd al-Balwī who was a client as his ṣāhib al-shurṭa. After a few days Shu<sup>C</sup>ayb was

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1. Ṭabarī, vol.5, p.310, vol.6, p.320.

2. The mawālī were allowed to work on the land and in the markets and to perform other tasks which the Arabs did not want to do. According to one source, Mu<sup>C</sup>āwiya told two tribal leaders from Basra that he was concerned about the increase of mawālī influence inside Basra and that he feared they might take over the Arabs. Mu<sup>C</sup>āwiya also mentioned to these two leaders that he would kill half of the mawālī and let half of them work in the market or on the road. Ibn <sup>C</sup>Abd Rabbihi, op.cit., vol.3, p.364.



discharged from his post.<sup>1</sup> This client, according to Kindī, had a respectable religious background because his grandfather was one of the Prophet's companions.<sup>2</sup> Kindī does not, however, explain why this man was dismissed so quickly but he does add that Bishr b. Safwān subsequently appointed his own brother to the office.

(b) It was the two most gifted Umayyad politicians, Mu<sup>C</sup>āwīya and <sup>C</sup>Abd al-Malik who seem to have been able, for certain periods at least, to rise above tribal problems. When Mu<sup>C</sup>āwīya b. Abī Sufyān came to Syria as its governor in 18/639, he was supported by the tribes of Yemen (particularly the tribe of Kalb), especially when he demanded revenge for his kinsman's, <sup>C</sup>Uthmān's, death. Mu<sup>C</sup>āwīya had two obvious links with the Kalb. Firstly, Nā'ila, the wife of <sup>C</sup>Uthmān, was from the Yemenī (Kalb) tribes<sup>3</sup> and when her husband was murdered the Yemenī tribes (Kalb) supported Mu<sup>C</sup>āwīya against <sup>C</sup>Alī. Secondly, Mu<sup>C</sup>āwīya himself married a woman of this tribe who became the mother of Yazīd I.<sup>4</sup> When Mu<sup>C</sup>āwīya became caliph he made certain promises to the Yemenī tribes, that they would enjoy a special share of the state revenue and have the best positions in Mu<sup>C</sup>āwīya's court.<sup>5</sup>

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1. Wulāt, p.91.

2. Ibid.

3. Ansāb, vol.5, pp.11-12.

4. Mu<sup>C</sup>āwīya married this woman when he was governor of Syria in <sup>C</sup>Uthmān's time. Ibid., vol.4A, p.127, and Ibn <sup>C</sup>Abd Rabbihi, Rabbihi, op.cit., vol.5, p.123.

5. Mas<sup>C</sup>ūdī, op.cit., vol.3, p.95.



After he became established in the caliphate, however, Mu<sup>C</sup>āwīya used his great diplomatic skills in dealing with tribal leaders<sup>1</sup> and was able to rise above too much partisanship to maintain harmony and balance between the two major tribal groupings, the Yemenī and the Mudar. He made particular efforts to conciliate the Mudar although it was with the Yemenī tribes that he saw that his best interests lay.<sup>2</sup> According to Ṭabarī, Mu<sup>C</sup>āwīya first appointed in the office of sāhib al-shurṭa a man from the Yemenī tribes whose name was Qays b. Ḥamza al-Ḥamadānī.<sup>3</sup> After dismissing this man the office was occupied by another person from the group of Yemenī tribes - Zumayl b. <sup>C</sup>Amr al-Saksakī.<sup>4</sup> Later on, however, Mu<sup>C</sup>āwīya appointed Qays al-Fihri, from the Mudar tribes as his sāhib al-shurṭa. He remained as the sāhib al-shurṭa of Mu<sup>C</sup>āwīya until the latter's death.<sup>5</sup>

When <sup>C</sup>Abd al-Malik b. Marwān came to power in 65/685 he tried to re-unite the tribes after he made peace with the Mudarī tribes, and especially with their leader Zufar b. Ḥārith. In particular, he used marriage alliances since his two sons, Walīd and Sulaymān, were born of Mudarī woman. According to Ṭabarī, <sup>C</sup>Abd al-Malik married Wallāda, daughter of <sup>C</sup>Abbās al-<sup>C</sup>Absī.<sup>6</sup> It would appear,

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1. Mubarrad, vol.1, p.47; vol.2, p.211; Ansāb, vol.4A, p.37.

2. Aghānī, vol.18, pp.69-70.

3. Ṭabarī, vol.5, pp.329-30.

4. Ibid.

5. Ibid., p.323.

6. Ibid., vol.6, pp.419-20.

however, that <sup>C</sup>Abd al-Malik lacked the skills of Mu<sup>C</sup>āwīya in resolving tribal differences satisfactorily. According to Balādhurī, <sup>C</sup>Abd al-Malik was more resolute (ahzam) but Mu<sup>C</sup>āwīya was more gentle or clement (ahlam).<sup>1</sup> For example, according to one source, after his peace treaty with the Mudar tribes, <sup>C</sup>Abd al-Malik told the Mudar leader Zufar one day that hostility against the Mudar still remained in his heart.<sup>2</sup> But it is clear that <sup>C</sup>Abd al-Malik managed to achieve a certain balance between the Yemenī and Mudarī tribes. According to Balādhurī, there were at the court of <sup>C</sup>Abd al-Malik Mudarī supporters and Yemenī supporters, grouped no doubt around Walīd and Sulaymān, sons of <sup>C</sup>Abd al-Malik whose mothers were from the Qays (Mudar) and Khalīd b. Yazīd and others whose mothers were from Kalb (Yemen).<sup>3</sup>

During the early years of his rule <sup>C</sup>Abd al-Malik chose men from the Yemenī tribes for his sāhib al-shurṭa. He first appointed Yazīd b. Kabshah al-Saksakī to this office. Then he dismissed him and appointed Abū Nātil al-Ghassānī; after the latter's dismissal <sup>C</sup>Abdallah b. Zayd al-Hakamī took over in the office.<sup>4</sup> All these people were from the Yemenī tribes.<sup>5</sup> In

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1. Ansāb. vol.4A, p.68.

2. Ibid., vol.5, pp.306-07. According to Jumahī, <sup>C</sup>Abd al-Malik would not allow Mudarī poets into his court because they all supported Ibn Zubayr. Jumahī, Ṭabaqāt al-Shu<sup>C</sup>arā', Leiden, 1916, p.100.

3. Ansāb, vol.5, p.311.

4. Ibn Khayyāt, vol.1, p.395.

5. Ma<sup>C</sup>ārif, pp.106-07.

the later years of his rule, however, <sup>C</sup>Abd al-Malik lost the enthusiastic support of the Yemenī tribes and he moved more towards the Mudar (Qays) tribes.<sup>1</sup> This change of attitude affected the office of the ṣāhib al-shurṭa because <sup>C</sup>Abd al-Malik appointed Ka<sup>C</sup>b b. Ḥamīd al-<sup>C</sup>Absī, a man from the Mudar.<sup>2</sup> This man was from the <sup>C</sup>Abs from whom <sup>C</sup>Abd al-Malik had chosen his wife Wallāda, the mother of his two sons, Walīd and Sulaymān. Ka<sup>C</sup>b b. Ḥamīd kept the office of the ṣāhib al-shurṭa until the death of <sup>C</sup>Abd al-Malik in 86/705.<sup>3</sup>

Another Umayyad caliph who tried to adopt a super-tribal policy of government was <sup>C</sup>Umar b. <sup>C</sup>Abd al-<sup>C</sup>Azīz. His policy was, however, different from that of Mu<sup>C</sup>āwiya and <sup>C</sup>Abd al-Malik since it was more openly religious. When <sup>C</sup>Umar became caliph in 99/717, he changed most of the governors and officials who had been appointed by Sulaymān b. <sup>C</sup>Abd al-Malik. Most of the new governors or officials were pious or had good religious backgrounds.<sup>4</sup>

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1. According to Abū Tammām, after <sup>C</sup>Abdallāh b. Zubayr was killed, <sup>C</sup>Abd al-Malik favoured the Qays (Mudar) tribes more, dismissing many Kalb officials and appointing many Qays (Mudar) in their place. <sup>C</sup>Abū Tammām, Ḥamāsa, (Bonn, 1828), p.658.

2. Ibn Khayyāt, vol.1, p.395.

3. Ibid.

4. For example, <sup>C</sup>Umar appointed Abū Bakr b. Ḥazm as the governor of Medina and also appointed <sup>C</sup>Abd al-Ḥamīd b. Zayd as the governor of Kūfa. For Basra he appointed <sup>C</sup>Aday b. Arṭa'a. For Egypt he appointed Ayyūb b. Shurḥabīl. <sup>C</sup>Umar also appointed pious men as qādīs like Ḥasan al-Basrī and Iyas b. Mu<sup>C</sup>āwiya. Ṭabarī, ser.11-3, pp.1346-47.

Umar refused the policy of tribalism and any ideas connected with it. According to Ṭabarī, when Umar b. Abd al-Azīz heard that the governor of Khurāsān, Abdallāh b. Jarrāh al-Ḥakamī was favouring his Yemenī tribesmen to the detriment of other tribes, Umar immediately dismissed him and appointed a man as the governor of Khurāsān who was trustworthy.<sup>1</sup> It is likely that this religious policy of Umar affected the office of the ṣāhib al-shurṭa. According to Yaʿqūbī, Umar's ṣāhib al-shurṭa was Rawḥ b. Yazīd al-Saksakī who was the caliph's mawlā.<sup>2</sup> Probably this man was a religious man like his master, and it was for that reason that Umar appointed him as his ṣāhib al-shurṭa.

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1. Ṭabarī, ser.11-3, p.1348.

2. Yaʿqūbī, vol.3, p.52.



## Chapter 5

THE DUTIES OF THE SHURTA IN THE  
UMAYYAD PERIOD (41-132/661-750)

## Chapter 5

### 5.1 THE DUTIES OF THE SHURṬA IN THE Umayyad PERIOD (41-132/661-750)

The shurṭa had a wide range of important duties to carry out in the Umayyad period. The caliphs and the governors used this force to protect themselves against their internal enemies and also to maintain law and order inside Muslim cities. The shurṭa punished criminals and wrong-doers inside the cities. They also patrolled in especially large numbers inside the cities whenever a revolt took place. The shurṭa had other duties. Particularly important was the sentencing and punishment according to prescribed legal penalties of people who had offended against the Sharīʿa.<sup>1</sup> It is clear, therefore, that the shurṭa exercised a great deal of power at this time.

A number of scholars have held the view that the term shurṭa, even in reference to the Umayyad period, is synonymous with that of the police and that the duties of the shurṭa were the same as those normally associated with police functions. Levy, for example, writes that 'the shurṭa came to be regarded primarily as a police force'.<sup>2</sup> This view is echoed by N.J.Coulson in his book

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1. These penalties were often, in the case of the ṣāhib al-shurṭa particularly, supplemented by pragmatic judgements (maṣlaha).

2. Levy, op.cit., vol.1, p.364.

on Islamic law, where the shurṭa are defined as police.<sup>1</sup> Dennett also mentions the shurṭa as the police force<sup>2</sup> and this view is upheld by Amir <sup>ʿ</sup>Alī.<sup>3</sup>

It seems that these scholars only partially understood the nature of the duties of the shurṭa and the police in Umayyad times. It is true that the shurṭa performed functions normally associated with the police inside the cities. This is not, however, the whole picture. According to the available sources, it is clear that, in Umayyad times at least, the shurṭa had wider duties than those of a modern police force. More especially, the sāhib al-shurṭa had more wide-ranging responsibilities than the head of the police. The shurṭa's duties were more military than those traditionally associated with the police. The confusion may well have arisen because the term shurṭa has acquired the meaning of police force in modern times.

The responsibilities of the shurṭa in this period can be divided into five main duties:

1. The protection of caliphs and governors against their internal enemies and of the cities against internal rebels.
2. Punishing wrong-doers and outlaws.
3. Carrying out the ḥudūd al-Sharīʿa, and the punishing of other offences according to the 'principle' of maṣlaḥa al-umma.

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1. N.J.Coulson, A History of Islamic Law (Edinburgh, 1964), p.121.

2. J. R. Dennett, Marwān Ibn Muḥammad, the passing of the Umayyad Caliphate (London, 1978), p.126.

3. Amir <sup>ʿ</sup>Alī, op.cit., p.188.

4. Helping the army against enemies outside the cities.
5. Carrying out executions and tortures of political offenders and generally dealing with prisoners and the ṣāhib al-sijin.

These duties will now be discussed in turn.

#### 5.1.1 Protecting the caliphs and governors against their internal enemies

The shurṭa was responsible for the protection of caliphs and governors in the Umayyad period. As mentioned before, Mu<sup>C</sup>āwīya was the first caliph to protect himself with the shurṭa, whenever he went out of the palace,<sup>1</sup> and whenever he was praying at the mosque.<sup>2</sup> It seems that the shurṭa surrounded the caliph and that the ṣāhib al-shurṭa walked in front of him with a lance in his hand. According to Abu'l Faraj, the caliph Hishām, whenever he went out, was protected in the same way by the shurṭa.<sup>3</sup> In this manner the caliphs ensured that they were safe from their internal enemies.

The shurṭa and the ṣāhib al-shurṭa also protected the governor of the provinces in a similar fashion to that used for the caliph. As mentioned previously, Ziyād b. Abīhi was the first governor to use the shurṭa as his protectors and the ṣāhib al-shurṭa walked before him with his lance in his hand.<sup>4</sup> The appearance of the

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1. Ḥusarī, Zahr al-Ādāb Wa Thamar al-Albāb (Cairo, 1953), vol.2, p.932; Damīrī, op.cit., vol.1, p.74.

2. Ṭabarī, vol.5, p.149.

3. Aghānī, vol.7, p.7.

4. Ṭabarī, vol.5, p.223.



ṣāhib al-shurṭa with a lance in his hand in front of the caliph and governors (in public places) could be considered as a sign of protection. It also gave the people an outward symbol of the caliph's and governor's domination over them.

The caliphs and governors also used the shurṭa as their instrument for the imposition of their authority over the troublesome elements amongst the population, sending the shurṭa to bring such people to them or to arrest anyone they wanted. For example, the caliph Walīd I sent the shurṭa to arrest a Khārijite who was hidden in a house in his capital Damascus.<sup>1</sup>

Similarly, the governors also used the shurṭa or sometimes the ṣāhib al-shurṭa to arrest troublesome elements. For example, the tough governor of Basra in Mu<sup>C</sup>āwiya's time, <sup>C</sup>Ubaydallāh b. Ziyād, became angry with the poet Ibn al-Mufarrigh. Therefore, Ibn Mufarrigh hid himself in a house of a nobleman. But when the governor learned of Ibn Mufarrigh's hiding place, he sent the shurṭa to arrest him.<sup>2</sup> In another incident it seems that the ṣāhib al-shurṭa was sent to enforce a governor's authority. The governor of Khurāsān, Qutayba b. Muslim, in the caliphate of Sulaymān, sent his ṣāhib al-shurṭa to an enemy of his whose name was Wakī<sup>C</sup>. The ṣāhib al-shurṭa went to Wakī<sup>C</sup> and told him to come with him to the governor.<sup>3</sup> The governor had ordered his ṣāhib al-shurṭa to ask the man to come quietly. On the other hand, if

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1. Aghānī, vol.13, pp.162-63.

2. Ṭabarī, vol.5, pp.318-19.

3. Kāmil, vol.5, p.10.

the man resisted, the sāhib al-shurṭa should kill him.

The shurṭa also protected the caliph and the governors inside their palaces. Famous governors, like Ziyād, his son ʿUbaydallāh, and Ḥajjāj had the shurṭa in their palace.<sup>1</sup> On one occasion, the governor of ʿIrāq, ʿUbaydallāh b. Ziyād was questioning a prisoner when suddenly the prisoner became angry and tried to take a sword from one of the shurṭa who was standing close to the governor. But the shurṭī did not allow the prisoner to take his sword.<sup>2</sup> This account suggests that the shurṭa were literally around the governors, protecting them from their enemies, especially standing near them when they held a majlis.<sup>3</sup>

As mentioned before, a number of revolts occurred in the Umayyad period, perpetrated mainly by the Shiʿa and Khārijites, especially in the garrison cities, Baṣra and Kūfa. The shurṭa were involved in many incidents with these rebels and attempted to crush them. The shurṭa used many methods to bring down these revolts.

Many incidents show that the shurṭa, and especially the sāhib al-shurṭa, received advance information about the activity of rebels. The sāhib al-shurṭa of the governor of Kūfa, Mughīra b. Shuʿba (41-50/661-670) was given some information about the activity of the Khārijites in the city of Kūfa. Therefore, he asked the

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1. The exact location of the shurṭa within the palace and their relationship with other personnel will be discussed in detail elsewhere.

2. Ṭabarī, vol.5, p.349.

3. Ibid.

governor for permission to attack the rebel's house.<sup>1</sup>

Another such incident happened in Kūfa during the governorship of ʿAbdallāh b. Muṭīʿ, in 66/685. The ṣāhib al-shurṭa told the governor that the Shiʿa under the leadership of Mukhtār were planning to rebel against the authority of the governor - the ṣāhib al-shurṭa had obtained his information from an undercover agent.<sup>2</sup> It appears that the ṣāhib al-shurṭa had a type of spy (ʿayn or jāsūs) whose main job was to get this information. The historians do not mention who these people were exactly or how the ṣāhib al-shurṭa obtained his information. Probably the spies were members of the shurṭa spying for their chief, working under cover much as modern spies do.

After the ṣāhib al-shurṭa had found out the rebels' location, he would ask the governor to take steps against them. The shurṭa, who in any case used to patrol the streets to maintain security, would in troubled times be in evidence in very much larger numbers and the ṣāhib al-shurṭa would accompany them. He had authority to question anyone under suspicion and he also had the power to arrest anyone on the streets. Much historical evidence indicates that the shurṭa and the ṣāhib al-shurṭa patrolled the streets of Muslim cities and also arrested or killed anyone they believed to be a rebel or supporter of rebels.<sup>3</sup> Also the shurṭa could close off streets whenever the rebels made a disturbance. By the order of

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1. Ṭabarī, Vol.5, pp.181-82.

2. Ibid., vol.6, p.11.

3. Ibid., p.19; Ansāb, vol.5, pp.224-5; Maqātil, p.162.



the governor, every shurtī had to be present in the governor's palace and on duty when there was any civic disturbance. For example, when Muslim b. <sup>c</sup>Aqīl surrounded the governor's palace, the governor commanded every shurtī to be present, for the number of the shurṭa in the palace was only thirty men when the rebels tried to take it over.<sup>1</sup> From this incident, it appears that only the shurṭa who were on guard duty in the governor's palace were present. The implication of this would appear to be that the main body of the shurṭa were in their homes. A public announcement was made, summoning the other shurṭa to their duties.<sup>2</sup>

When rebels decided to revolt or make a disturbance inside the city, the ṣāhib al-shurṭa would receive an order to gather the people in the great mosque or near the governor's palace.<sup>3</sup> Both these areas were well guarded by the shurṭa. This method of assembling people enabled the authorities to determine who was with the rebels. If people came to the mosque, they were with the government and if they did not come it might be assumed that they were with the rebels. In this way, the shurṭa could punish the rebels and not confuse them with the innocent.

It was the shurṭa's duty also to search any house in which they believed rebels were hidden.<sup>4</sup> The shurṭa also had the power to punish any rebels who were arrested by them. For example, the

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1. Ṭabarī, vol.5, p.369.

2. This is discussed in detail elsewhere.

3. Maqātil, p.136.

4. Ṭabarī, vol.5, p.373.



shurṭa, by the order of the governor, could demolish any rebel's house. There are many incidents to illustrate how the shurṭa demolished rebels' houses. For example, according to Balādhurī, the ṣāhib al-shurṭa of Mukhtār in 66/685 demolished the house of <sup>C</sup>Ubaydallāh b. al-Hrr because he was against Mukhtār.<sup>1</sup> Another example occurred in the time of Yazīd b. Mu<sup>C</sup>āwīya in Medina - the governor of Medina, <sup>C</sup>Amr b. Sa<sup>C</sup>īd, ordered his ṣāhib al-shurṭa to demolish the houses of the Banū Hāshim and Banū Asad because they would not pay homage to Yazīd.<sup>2</sup>

The ṣāhib al-shurṭa had the power to punish rebels or the supporters of rebels. According to Balādhurī, the governor of Medina in the time of Yazīd b. Mu<sup>C</sup>āwīya, <sup>C</sup>Amr b. Sa<sup>C</sup>īd, ordered his ṣāhib al-shurṭa to be tough with the supporters of <sup>C</sup>Abdallāh b. Zubayr. The ṣāhib al-shurṭa then gave the order for some noblemen to be whipped who were supporters of <sup>C</sup>Abdallāh b. Zubayr. The shurṭa gave each man one hundred lashes and pulled out their beards.<sup>3</sup>

From these incidents, it appears that the shurṭa and the ṣāhib al-shurṭa were responsible for the security of the city. They protected the Muslim cities against any rebels who would undermine Umayyad authority.

### 5.1.2 Punishing wrongdoers and outlaws

The shurṭa as the main internal peace-keeping force was responsible

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1. Ansāb, vol.5, p.293.

2. Muṣ<sup>C</sup>ab b. <sup>C</sup>Abdallāh al-Zubayrī, Kitāb Nasab al-Quraysh (Cairo, 1953), p.268.

3. Ansāb, vol.4B, p.28.

for the security of the city and also for imposing law and order. It seems that social and moral disorder in certain Muslim cities led some governors to be tough and sometimes even cruel in exacting punishment from wrongdoers and criminals.

A very well-known example is that of Ziyād b. Abīhi who became governor of Baṣra in 45/665. Ziyād decided to increase the numbers of the shurṭa there to deal with the moral and social laxity which he found in the city. According to Balādhurī, when Ziyād made his inaugural speech to the people of Baṣra, he warned them, saying

'If anyone has lost anything I will be responsible for getting it back for him.'

He added

'Do not go out onto the streets at night - anyone who goes out of his house, will be killed.'<sup>1</sup>

Ziyād also warned evil-doers in his speech, saying

'Every crime has its punishment. If anyone drowns a man, I will drown him. If anyone burns a house down over the head of its occupant, I will burn him. If anyone digs (naqaba) into a house to steal, I will dig out his heart. If anyone digs up graves (to snatch bodies), I will bury him alive.'<sup>2</sup>

From this speech it is clear what kind of crimes the people of Baṣra had committed before Ziyād's arrival. After this speech,

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1. Ansāb, vol.4A, p.180.

2. Ibid.

Ziyād ordered the sāhib al-shurṭa to take his shurṭa and patrol the streets of the city. If the sāhib al-shurṭa saw anyone outside his house, he should kill him.<sup>1</sup>

According to Balādhurī, Ziyād did with the criminals what he said he would do in his speech. Therefore the sāhib al-shurṭa arrested anyone who was out in the streets after ṣalāt al-<sup>C</sup>ashā'. Some criminals who were body-snatchers were brought to Ziyād and he ordered them to be buried alive.<sup>2</sup> A man who had flooded a field of crops was also brought to Ziyād who promptly ordered that the man should be drowned in the water. He also ordered the burning of a

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1. Ibid., p.182.. When Ziyād finished his speech the people began to mock his warning since they believed that he was joking. But when the sāhib al-shurṭa patrolled the streets and killed 500 men in one night, the people realised that Ziyād was serious about his warning. Ibid., p.171. Probably this was the reason why Ziyād on one occasion killed a Bedouin tribesman although he believed that he was innocent. Ziyād killed him because probably if he had not done so, the people would have mocked him further and said that he did not do what he said he would do in his speech. Cf. p.32
2. Ibid., p.172. According to many fuqahā', grave robbers who snatch dead men's shrouds must have their hands cut off. For example, Abū Ya<sup>C</sup>la al-Farrā' (who was Hanbalī) said that the hand of a body-snatcher must be cut off: Farrā', Al-Aḥkām al-Sultāniyya (Cairo, 1966), p.287. Bayhaqī, who was Shafi<sup>C</sup>ī, agrees that the grave-robber who steals shrouds must have his hand cut off: Bayhaqī, Kitāb Al-Sunan al-kubrā (Hyderabad, 1354 A.H.), vol.8, p.269. Ibn Hazm reports also that the body snatcher's hand must be cut off: Ibn Hazm, Al-Muḥalla (Beirut, n.d.), vol.11, pp.329-30. But he also says that some scholars said that the man who robs graves to steal the shroud must be killed: Ibid. Ibn Hazm himself prefers that the man's hand should be cut off: Ibid. Abū Hamīfa, however, did not accept that it is right to cut off the hand of a body-snatcher, because the shroud is not the property of a living man: Farrā', op.cit., p.267.



man who had burned down a house.<sup>1</sup> Ziyād ordered that watch should be kept on new graves because he believed that body snatchers would come to dig up the graves. Therefore a special watch was made over a new grave and one night a body snatcher did come to commit his crime and he was wounded and captured.<sup>2</sup> Balādhurī does not mention who these people were who watched the new grave. But it seems likely that they were the shurṭa because Balādhurī mentions this incident in the context of other incidents involving the ṣāhib al-shurṭa.<sup>3</sup> The sources do not mention what were the motives of people who dug up graves in order to snatch the bodies but it would appear likely that they wanted to sell the dead man's shroud. After these tough punishments, the city of Baṣra became safe and the people were no longer afraid of thieves and criminals.<sup>4</sup>

Similar measures are reported in the time of Ḥajjāj against wrong-doers and thieves. According to Ibn Qutayba, Ḥajjāj's ṣāhib al-shurṭa was very tough with criminals. Ibn Qutayba adds that the ṣāhib al-shurṭa<sup>5</sup> never imprisoned anyone except for a debt. When a man who was digging into a house (in order to steal) was brought before the ṣāhib al-shurṭa he transfixed him with a piercing instrument (manqiba). If a man who was a body snatcher came before the ṣāhib al-shurṭa, he dug a grave for him and buried him in it.

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1. Ansab, op.cit., p.172.

2. Ibid.

3. Ibid.

4. Ibid.

5. This man was <sup>C</sup>Abd al-Rahmān b. <sup>C</sup>Ubayd al-Sa<sup>C</sup>adī. He is mentioned by both Ibn A<sup>C</sup>tham and Ibn Qutayba.



If it was a man who had attacked or threatened another man with some sharp weapon, he cut off his hand. If the offender was someone who had burnt a house down over the head of its occupant, he burned him; and if it was a dubious character suspected of robbery, even though there was no direct evidence against him, he would inflict three hundred lashes on him. Often a period of forty nights would pass without any criminal being brought before the sāhib al-shurṭa, and Ḥajjāj was so pleased with him that he gave him and his shurṭa force control over Baṣra as well as Kūfa.<sup>1</sup>

It seems that Levy misunderstood this account of Ibn Qutayba's when he translated it. He writes as follows:

'When a man who was a naqīb (head of a section of the community (sic)) was brought before him, he transfixed him with a piercing instrument.'<sup>2</sup>

Levy misunderstands the meaning of the root naqaba (نَقَبَ) and in particular the word naqīb (نَقِيب). The verb naqaba (نَقَبَ) means 'to dig, to make a hole in the wall or drill a hole'. The noun naqīb does of course mean the head of a section of the community but it is clearly inappropriate here and is not what Ibn Qutayba intended to say in this context.<sup>3</sup> The actual lines of Ibn Qutayba

are:  
(وكان إذا أتى برجل قد نقب عن قوم وضع ينقبته في بطنه حتى تخرج من ظهره،  
إذا أتى بنقاش حفر له قبراً فدفنه فيه ...)

1. Uyūn, vol.1, p.16; Ibn A<sup>c</sup>tham, vol.7, pp.110-11.

2. Levy, op.cit., vol.1, p.366.

3. Uyūn, Vol.1, p.16.

Levy also does not understand another verb in his translation of Ibn Qutayba's account; he translates as follows:

'If a man who was by trade a digger came before him, he dug a grave for him and buried him in it.'<sup>1</sup>

Here Levy misunderstands the Arabic word nabbāsh ( **نَبَّاش** ) which means grave-digger or body snatcher, not as he suggests, a man who is by trade a digger. Clearly what Ibn Qutayba wants to imply is that a nabbāsh is a body snatcher, not one who is a digger by trade. The first category is that of a criminal but the second is not. So the ṣāhib al-shurṭa killed a criminal, a body snatcher, not a respectable man carrying out his usual occupation.

The shurṭa had the power to question, to arrest, or to kill anyone out in the streets. If they believed that a man was committing a crime he would be immediately arrested. For example, according to Abu'l Faraj, the ṣāhib al-shurṭa of <sup>C</sup>Abdallāh b. Mu<sup>C</sup>āwiya in 127 / 744, was patrolling the streets of the city of Kūfa and if he saw anyone outside his house<sup>2</sup> he would kill him.<sup>3</sup> It appears that the ṣāhib al-shurṭa enforced this punishment because at that time the situation in Kūfa was very bad and <sup>C</sup>Abdallāh b. Mu<sup>C</sup>āwiya had rebelled against

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1. Levy, op.cit., vol.1, pp.366-67.

2. Because there was a curfew in Kūfa at that time.

3. Aghānī, vol.12, p.231.

the Umayyads and taken over the city by force. Therefore, it was necessary for the ṣāhib al-shurṭa to impose a curfew and to kill anyone who broke it. They probably believed that no innocent person would leave his house but just the criminals or saboteurs.

At any time when there was a revolt or an increase of crime in the city the governors would impose martial law - they did not allow anyone out at night and punished anyone who broke this law very severely. If they did not have a strong ṣāhib al-shurṭa the security of the city could be in danger. In Mu<sup>C</sup>āwiya's caliphate, the governor of Medina, Marwān b. Ḥakam, lost control of the city and crimes became common in Medina. So Marwān appointed Muṣ<sup>C</sup>ab b. <sup>C</sup>Abd al-Raḥmān as his ṣāhib al-shurṭa. The ṣāhib al-shurṭa employed many methods to prevent the criminals from committing offences. For example, Muṣ<sup>C</sup>ab imprisoned anyone who was out of his house at night. He did not allow people to attack each other; he whipped criminals and sometimes demolished their houses. Therefore, people became afraid of him and his shurṭa.<sup>1</sup>

It appears that very often the ṣāhib al-shurṭa and the shurṭa applied punishments, not according to the ḥudūd, which were in conformity with the Sharī<sup>C</sup>a, but according to the principle of maṣlaḥa with all the freedom that this idea implies. It seems that the ṣāhib al-shurṭa had the power to choose the various punishments which he could apply and he also created new punishments which were imposed on criminals who committed deeds against the Muslim community. For this reason governors like Ziyād and the

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1. Zubayr b. Bahkār, Jamhara Nasab al-Quraysh wa Akhbārihā (Beirut, 1966), pp.517-18.



sāhib al-shurṭa of Ḥajjāj used some punishments which were uncanonical in Islamic law; for example, neither the punishment imposed on body snatchers nor the punishment for arsonists existed among the ḥudūd. It seems that when people committed a new offence or an unusual crime the sāhib al-shurṭa or the governor created a new punishment probably because they believed that it was for the maṣlaḥa of the community.<sup>1</sup>

The institution of the shurṭa had a close relationship with the qādī because these two offices were both dealing with the enforcement of law and order.<sup>2</sup> During the Umayyad period, it was the

1. It appears that maṣlaḥa was applied before the Umayyad period. For example, in the time of the Prophet, the punishment for drinking wine was between 30 and 40 lashes whereas Abū Bakr made it forty. In the time of <sup>C</sup>Umar b. Khattāb, the governor of Syria, Abū <sup>C</sup>Ubayda b. Jarrāh sent a letter to <sup>C</sup>Umar saying that the people of Syria were drinking wine so he punished them with forty lashes but this course of action did no good. Abū <sup>C</sup>Ubayda therefore asked for <sup>C</sup>Umar's advice. <sup>C</sup>Umar asked the Prophet's companions about this matter and they advised <sup>C</sup>Umar to order Abū <sup>C</sup>Ubayda to increase the punishment from forty to eighty lashes, giving the reason that forty lashes were for drinking and forty more were for abuse against the people. Therefore, <sup>C</sup>Umar ordered Abū <sup>C</sup>Ubayda to carry this out: Al-Raḡīq al-Nadīm, Qutb al-Sarūr fī Awsāf al-Khumūr (Damascus, 1969), pp.500-501.
2. It is traditionally argued that the first qādī was the Prophet himself: Ibn Abi 'l-Damm al-Ḥamawī, Kitāb Adab al-Qādā' (Damascus, 1975), p.5; Muḥammad al-Murīr, Kitāb al-Abḥāth al-Sāmiyya fī Muḥākīm al-Islāmiyya (Taṭwān, 1951), vol.1, p.96; Muḥammad Arslān, al-Qādā' wa 'l-Qudāt (Beirut, 1969), p.55. Afterwards, when the Muslims became more numerous, the Prophet appointed some of his companions as qādīs. For example, he appointed Mu<sup>C</sup>adh b. Jabal as the qādī of Yemen and also Alī b. Abī Tālib as the qādī of Yemen: Ibn Abī al-Damm al-Ḥamawī, op.cit. pp.6-7; Farrā', op.cit., pp.62-3. The Rāshidūn caliphs also appointed qādīs. For example, <sup>C</sup>Umar b. al-Khattāb was appointed by Abū Bakr as



governors rather than the caliph who appointed qādīs.

The qādī's duty was to adjudicate in any kind of dispute among the Muslims. Such disputes included those concerned with divorce and other matrimonial problems, inheritance and commerce. Many qādīs also administered the properties of orphans, widows and the insane.<sup>1</sup>

A number of historical and legal sources discuss the duty of the qādīs and how they did their work in the Umayyad period. According to Ibn Qutayba, Shurayḥ was a qādī in Kūfa for seventy years and judged people's disputes.<sup>2</sup> In his Akhbār al-Qudāt, Ibn Wakī<sup>C</sup>, mentions a qādī who refused to permit the marriage of a man who had insulted him,<sup>3</sup> but on another occasion he cites an example of a qādī passing judgement in a divorce case.<sup>4</sup> Ibn Abī Ḥadīd also mentions that Ibn Shubrama, a qādī in Kūfa in the Umayyad period, judged between some people who were disputing the ownership of a palm tree in a garden.<sup>5</sup>

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(continued from the previous page) the qādī of Medina: Bayḥāqī, op.cit., vol.10, p.87. When <sup>C</sup>Umar himself became caliph, he appointed qādīs of the new garrison cities such as Kūfa and Baṣra: Ibid. <sup>C</sup>Umar appointed Shurayḥ as the qādī of Kūfa and Ibn Sawwār for Baṣra.

1. Qudāt, p.17; Ibn Khaldūn, al-Muqaddima (Beirut, n.d.), p.175; <sup>C</sup>Abd al-Qādir al-Ma<sup>C</sup>ādīdī, Wāsīt fi'l <sup>C</sup>Asr al-Umawī (Baghdad, 1979), p.277; Ṣāliḥ Aḥmad al-<sup>C</sup>Alī, al-Tanzīmāt al-Ijtīmā<sup>C</sup>iyya wa'l-Iqtisādiyya fī Baṣra fi'l Qarn al-Awwal al-Hijrī (Beirut, 1969), pp.108-9.

2. Uyūn, vol.1, p.66.

3. Wakī<sup>C</sup>, vol.1, pp.172-73.

4. Ibid., vol.2, pp.255,273.

5. The qādī asked questions, such as 'How many palms are in the garden?' but as the witnesses could not answer, the qādī refused to accept their testimonies. So the witnesses asked the qādī 'How many ustwāna are in your mosque?' and the qādī could not answer them, so he agreed to accept their testimony: Nahj, vol.17, p.62.

It is worth while mentioning that some qādīs in Umayyad times had other duties as well. According to Kindī, the caliph Mu<sup>C</sup>āwiya ordered a qādī of Egypt, Sulaym, to investigate jirāh (injuries)<sup>1</sup> disputes. This qādī was apparently the first to look into this kind of case.<sup>2</sup> It seems that he did not perform this duty until the caliph ordered him to do so. This suggests that he did not have the authority to judge in such cases without the specific order of the caliph. It appears that this qādī did not inflict punishment but just took the testimonies of the injured party and of the offender. Then he took al-diya from the man who had inflicted the injury.<sup>3</sup>

In Umayyad times<sup>4</sup> qādīs judged in the mosque and sometimes in their houses.<sup>5</sup> In the mosque the qādīs would hold a majlis al-qadā,<sup>6</sup> in which he judged the people. The qādī had authority to judge people according to the Koran and the sunna of the Prophet. He would also exercise ijtihād when necessary.<sup>7</sup>

It is clear from the short preceding discussion that the early qādīs enjoyed only limited authority. As will now be demonstrated,

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1. Qudāt, p.9.

2. Ibid.

3. Ibid.

4. Wakī<sup>C</sup>, vol.1, p.145.

5. Ibid., p.333.

6. Ibid., vol.2, p.18.

7. When the Prophet sent Mu<sup>C</sup>ādh b. Jabal as the qādī of Yemen, he asked him how he judged the people. Mu<sup>C</sup>ādh replied that he made his judgement in accordance with the book of God and the sunna of the Prophet. Then the Prophet asked him what he would do if he found nothing in these books relating to his case. Then Mu<sup>C</sup>ādh said, 'Then I would judge with my own ra'y: Farrā', op.cit., pp.61-2.

they often needed the support of a higher authority such as the governor as well as the help of the shurṭa to impose their judgments.

The relationship between the qādī and the ṣāhib al-shurṭa and the shurṭa was probably very close. According to Ibn Wakī<sup>C</sup>, when the qādī was sitting in the mosque to pass judgement, two men with whips in their hands stood behind him to protect him from the people.<sup>1</sup> Ibn Wakī<sup>C</sup> calls these two men the qādī's guard (haras).<sup>2</sup> In another place he says that the qādī used the jilwāz (jalāwiza)<sup>3</sup> to punish the people and to protect himself.<sup>4</sup> The same source relates that when Iyās b. Mu<sup>C</sup>āwiya, the qādī of Baṣra in the time of <sup>C</sup>Umar b. <sup>C</sup>Abd al-<sup>C</sup>Azīz, left the governor's palace he was accompanied by the shurṭa who went with him to the mosque to judge disputes.<sup>5</sup> A similar picture is given by Mubarrad who writes that Ḥasan al-Baṣrī once said, 'Why do these governors need a shurṭa ...?' However, when Ḥasan became qādī and the people crowded round him wanting a settlement of their disputes, he said that the authority must have some kind of force to control the people.<sup>6</sup>

In the Umayyad period the offices of ṣāhib al-shurṭa and qādī were sometimes combined in one and the same person. It would

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1. Wakī<sup>C</sup>, Vol.1, p.145.

2. Ibid.

3. Another name for the shurṭa.

4. Wakī<sup>C</sup>, Vol.1, p.188.

5. Ibid., vol.1, pp.317-18.

6. Mubarrad, vol.1, p.270.



appear that the first sāhib al-shurṭa to hold the office of qādī was Muṣ<sup>ḥ</sup>ab b. <sup>Ḥ</sup>Abd al-Rahmān b. <sup>Ḥ</sup>Awf who held these positions in the time of Mu<sup>ḥ</sup>āwiya b. Abī Sufyān, in Medina during the governorship of Marwān b. <sup>Ḥ</sup>Hakam.<sup>1</sup> According to Kindī the first man who held the office of both sāhib al-shurṭa and qādī was <sup>Ḥ</sup>Ābis b. Sa<sup>ḥ</sup>īd al-Murādī in 60/679.<sup>2</sup> It would appear that the sāhib al-shurṭa was considered to be a more important official than the qādī because it was the sāhib al-shurṭa who was given the office of qādī. This also suggests that the duties of the sāhib al-shurṭa were wider than those of the qādī in this period.

Jurjī Zaydān, however, states that in the beginning the office of the shurṭa followed that of the qadā' and that the shurṭa were the servants of the qadā'.<sup>3</sup> If Zaydan includes in 'the beginning' the Umayyad period specifically, this statement cannot be right. As mentioned already, the shurṭa was more important than the qādī in the Umayyad period; the office of qādī was taken over by the sāhib al-shurṭa and this implies that the office of qadā' was less important and less wide-ranging than that of the shurṭa. It is clear from the sources that the office of qādī was often taken over by the sāhib al-shurṭa during the Umayyad period.<sup>4</sup> For instance, the sāhib al-shurṭa <sup>Ḥ</sup>Abd al-Rahmān b. Mu<sup>ḥ</sup>āwiya was appointed to the office of qādī by the governor of Egypt, <sup>Ḥ</sup>Abd al-<sup>Ḥ</sup>Azīz b. Marwān in

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1. Ṭabaqāt, vol.5, p.158.

2. Qudāt, p.11.

3. Jurjī Zaydān, Tārīkh al-Tammadūn al-Islāmī (Beirut, n.d.), vol.1, p.243.

4. Qudāt, p.22; Wulāt, p.79.



86/705. Also in Egypt the governor <sup>C</sup>Abdallāh b. <sup>C</sup>Abd al-Malik appointed his ṣāhib al-shurṭa to the job of qādī. In <sup>C</sup>Irāq, the governor of Baṣra, Khālīd al-Qasrī (105-120/723-37), appointed his ṣāhib al-shurṭa to the office of qādī.<sup>1</sup>

All these examples indicate that the qādī office follows that of the ṣāhib al-shurṭa in the Umayyad period. Zaydan is right, however, in saying that the shurṭa helped or served the qādī. As mentioned before, the qādī needed some kind of help in imposing their judgement when judging the people. This help or service was never done by the ṣāhib al-shurṭa themselves. In this period, their duty was to serve the governors and their rank was higher than that of the qādī.

A comparison may be made between the rank and duties of the ṣāhib al-shurṭa and the qādī. The ṣāhib al-shurṭa was appointed by the governor and was the second man in the province after the governor. Most of the time the qādī was appointed by the governor but sometimes by the caliph. Most qādīs were chosen from amongst the qurrā' and fuqahā', whereas the ṣāhib al-shurṭa was chosen from the top-ranking military officers and heads of tribes. In this period most of those who were ṣāhib al-shurṭa became governors and military commanders but no qādī filled such high-ranking jobs.

The ṣāhib al-shurṭa enjoyed wider powers than the qādī. As Levy says:

'The ṣāhib al-shurṭa had wider powers than the qādī, or ordinary judges concerned with Shari<sup>C</sup>a affairs.'

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1. Ibn Khayyāt, vol.2, p.366.

The latter had no authority outside his own court for investigation of crimes reported or suspected, nor could he attempt to extract a confession by force from an accused person.<sup>1</sup>

It appears that at this time the qādī could punish those who had wronged people by cheating and perjury but these punishments were not as harsh as those the sāhib al-shurṭa could inflict. For example, in 103/721, the qādī of Baṣra punished some people who had been convicted of being false witnesses. He ordered them to be beaten, but not harshly, and to have half of their heads shaved and their faces blackened so that they were put to shame.<sup>2</sup> In a similar way, the qādī of Baṣra in 64/683, punished some shopkeepers who were mixing barley flour in with their wheat flour, by ordering them to have half of their beards and heads shaved.<sup>3</sup> These examples show that the punishments imposed by the qādī were less harsh than those imposed by the sāhib al-shurṭa whose harsh punishments suggest the amount of power he wielded.

It seems that in this period the sāhib al-shurṭa, like the governors, was considered important enough to have a mawḳib (escort) composed of his shurṭa. According to Māwardī, who does not give his source, a certain sāhib al-shurṭa of the governor of <sup>C</sup>Irāq, Khālīd al-Qasrī, passed Ibn Shubruma with his mawḳib.<sup>4</sup> Ibn

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1. Levy, op.cit., vol.2, p.364.

2. Waki<sup>C</sup>, vol.2, p.19.

3. Ibid., vol.1, p.300.

4. This subject is discussed later, on p.140.

Shubruma, scornful of the sāhib al-shurṭa's pride, said: 'O God, I have my religion and they have theirs'. Later, Ibn Shubruma became qādī and forgot his piety; his son reminded him of what he had said when he saw the sāhib al-shurṭa. Ibn Shubruma answered that he had eaten from the same dish as the governor and his sāhib al-shurṭa and had become like them.<sup>1</sup> While the sāhib al-shurṭa was apparently escorted by the shurṭa, the qādī had no escort and rode a mere mule to his majlis al-qadā' in the mosque.<sup>2</sup>

### 5.1.3 Carrying out the ḥudūd al-Sharīʿa, and the punishing of other offences according to the 'principle' of maṣlaḥa al-umma

In the Umayyad period the shurṭa were responsible for exacting the al-ḥudūd al-sharʿiyya from anyone who committed immoral acts (fa.sād) in the Muslim community. These ḥudūd are, of course, mentioned in the Qur'ān. A very well-known example is the drinking of wine which was forbidden, especially in public. Therefore, anyone who drank wine was punished with forty lashes; as mentioned already, this was changed in 'Umar's time to eighty lashes.

According to Abu'l-Faraj, Dallāl, the Umayyad poet, was drinking wine with his friends. When the shurṭa discovered this they surprised them and arrested Dallāl with one of his friends. At the time of his arrest by the shurṭa Dallāl was drunk. When the shurṭa took the two men to the governor of Medina, he ordered

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1. Māwardī, Adab al-Dunyā wa'l-Dīn (Beirut, 1978), p.40.

2. Wakīʿ, vol.2, p.18.



the shurṭa to punish them according to the ḥadd, which was eighty lashes, and he also paraded them in the streets of Medina.<sup>1</sup>

From this incident it seems that the shurṭa were patrolling the streets and outskirts of the city to find out if anyone was committing immoral acts. This is how the shurṭa discovered that these people were gathering to drink wine. In another similar but earlier incident which also happened in Medina, in the caliphate of Mu<sup>c</sup>āwīya, a poet called Ibn Sayhān once drank wine and when he came out into the street at night to go home, Marwān b. Ḥakam's men arrested him and took him to the ṣāḥib al-shurṭa. The ṣāḥib al-shurṭa ordered him to be whipped according to the ḥadd (eighty lashes).<sup>2</sup>

It seems that at that time, before whipping the drunken man with the required number of lashes, the ṣāḥib al-shurṭa would test him to see if he was drunk or not, as in modern times when the police test drunken drivers. It seems that the way in which the ṣāḥib al-shurṭa tested a drunken man was to order him to recite an āya of the Qur'ān. If he could not recite it, the ṣāḥib al-shurṭa ordered his shurṭa to punish him with eighty lashes.<sup>3</sup>

On another occasion, according to Abu'l Faraj, the poet al-<sup>2</sup>Uqyshir<sup>r</sup> passed the ṣāḥib al-shurṭa of the governor of Kūfa, <sup>c</sup>Amr b. Ḥurayth. Al-<sup>2</sup>Uqyshir<sup>r</sup> was drunk when he passed the ṣāḥib al-shurṭa who smelled the wine on him. He called him and asked, 'Are you

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1. Aghānī, vol.2, pp.247-49.

2. Ibid., p.248.

3. Ibid.



drunk?' al<sup>2</sup>Uqyshir immediately answered, 'No.' So the sāhib al-shurṭa asked him what the smell was. al<sup>2</sup>Uqyshir said in reply that he had eaten safarjal (quince) and recited a poem which explained that he had eaten safarjal. Then the sāhib al-shurṭa asked him: 'If you are not drunk, tell me how many times you pray in one day.' Thereafter, al<sup>2</sup>Uqyshir answered him in a poem explaining how many times he would pray. So the sāhib al-shurṭa let him go.<sup>1</sup> This test seems less arduous than an examination by means of reciting an āya of the Qur'ān and the sāhib al-shurṭa, on this occasion, had no evidence on which to punish him.

Abu'l Faraj relates another story about the poet al<sup>2</sup>Uqyshir. One day he was drinking wine in a wineshop. The shurṭa came to arrest him but al<sup>2</sup>Uqyshir escaped and closed the door of his home and told the shurṭa that he was not drinking wine and they could not arrest him. So the shurṭa told him that they had seen the drinking bowl in his hand. al<sup>2</sup>Uqyshir said that he was drinking milk out of the bowl, not wine.<sup>2</sup> Abu'l Faraj adds that the shurṭa did not let al<sup>2</sup>Uqyshir go until he had given them two dirhams.<sup>3</sup> Such an incident as this shows that the shurṭa were sometimes dishonest and not averse to taking bribes.

Ibn Qutayba relates a similar anecdote. One day the sāhib al-shurṭa of the governor of <sup>c</sup>Irāq, Khālīd al-Qasrī (105-120/723-37)

1. Aghānī, vol.11, pp.267-68.

2. Ibid., vol.2, p.257.

3. Ibid. In the poem in which he said:

فسلوا الشرطيّ ما هذا الفضب

إنها نشرب من أموالنا

whose name was <sup>C</sup>Uryān b. Haytham, brought before him a young man who was drunk. When the ṣāhib al-shurṭa asked him about his family, the young man recited a poem by means of which the ṣāhib al-shurṭa understood that he was from a noble family of Kūfa. The ṣāhib al-shurṭa did not, therefore, punish him. Afterwards, when the young man was released, the ṣāhib al-shurṭa asked his shurṭa who this young man was. The shurṭa told him that he was the son of a bean seller.<sup>1</sup> From this incident it seems that some ṣāhib al-shurṭa did not punish noble families because they were intimidated by them. This led some governors like Ḥajjāj to choose as ṣāhib al-shurṭa men who would not be swayed by such considerations.

According to Balādhurī, Muṣ<sup>C</sup>ab b. <sup>C</sup>Abd al-Raḥmān, the ṣāhib al-shurṭa of Medina in the governorship of <sup>C</sup>Amr b. Sa<sup>C</sup>īd, in the caliphate of Yazīd I, punished <sup>C</sup>Abd al-<sup>C</sup>Azīz b. Marwān, who later became the governor of Egypt, because he drank wine.<sup>2</sup> It appears therefore that the ṣāhib al-shurṭa dared even to punish a member of the Umayyad family. <sup>C</sup>Abd al-<sup>C</sup>Azīz was the son of Marwān b. Ḥakam, the most important man after Mu<sup>C</sup>āwiya b. Abī Sufyān in the Umayyad family at that time.

The duty of the ṣāhib al-shurṭa extended, of course, to the punishment of those who committed adultery. In the governorship of Ḥajjāj a married woman (her name was Ḥumayda) committed adultery. Then she escaped and her family pursued her for one year until they discovered her in her lover's camp. So they took her to the ṣāhib

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1. Ibn Qutayba, Uyūn, vol.2, p.201.

2. Ansāb, vol.4B, p.144.

al-shurṭa of Ḥajjāj whose name was ʿAbd al-Raḥmān b. ʿUbayd.<sup>1</sup> The woman was pregnant and the sāhib al-shurṭa ordered her to be stoned to death.<sup>2</sup> It seems that the sāhib al-shurṭa ordered this woman to be stoned for adultery on the evidence of her pregnancy and so she was punished according to the hadd which orders that any married man or woman who commits adultery should be stoned to death. In this incident, it is not mentioned if she was stoned with her child in her body or not. According to the hadd she must have her child first and afterwards be stoned, because this child had done no sin to deserve death.<sup>3</sup>

Other sexual offences were dealt with in the Umayyad period by the shurṭa, probably according to his own judgement (maslaḥa). There are a number of references in the sources to the shurṭa punishing people who were mukhannaths. According to Abu'l Faraj for example, the deputy of the sāhib al-shurṭa was ordered by the caliph Sulaymān to castrate mukhannaths, especially those who were singers.<sup>4</sup> A poet who was a mukhannath was also castrated by the shurṭa in that period.<sup>5</sup> Abu'l Faraj also relates an amusing story about a mukhannath who went to the mosque in Medina and saw a man whom he tried to seduce. Unluckily for him the man was the sāhib al-shurṭa of

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1. He was the same sāhib al-shurṭa who is mentioned by Ibn Qutayba, on p. 93.

2. Abū ʿUbayda, Naqā'id Jarīr wa'l-Farazdaq (Leiden, 1905), vol. 2, p. 831.

3. Bayhaqī, op. cit., vol. 8, p. 229.

4. Aghānī, vol. 4, pp. 273-76.

5. Ibid., p. 276.



Medina (the mukhannath was not from Medina and so he did not know that the man was the ṣāhib al-shurṭa). Therefore, the ṣāhib al-shurṭa called upon his shurṭa to whip the mukhannath one hundred lashes and imprison him.<sup>1</sup> As for homosexuals, it appears that they were imprisoned and punished with lashes and then put in the streets so as to be a warning for other people to behave morally.

According to Abu'l Faraj, the poet Aḥwaṣ was a homosexual, so the governor of Medina, Ibn al-Hazm, ordered him to be whipped a hundred lashes. He then poured oil on his head and placed him on bulus (big sacks stuffed with straw), in the street to be seen by the people.<sup>2</sup>

The shurṭa also had power to arrest anyone who sang in holy places. For example, according to Mubarrad, one day a man was singing in the prophet's mosque in Medina when the shurṭa arrested him.<sup>3</sup> According to Abu'l Faraj, the governor of <sup>c</sup>Irāq, Khalīd al-Qasrī (105-120/723-737) blamed his ṣāhib al-shurṭa for being weak and allowing singing to become popular in the city. Khalīd told his ṣāhib al-shurṭa that if he could not control and arrest women singers he would dismiss him. Therefore, the ṣāhib al-shurṭa arrested the singers.<sup>4</sup> Probably the songs which were prohibited by the governor were immoral songs.

The ṣāhib al-shurṭa also punished men who wanted to seduce

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1. Ibid., pp.280-81.

2. Ibid., p.236.

3. Mubarrad, vol.2, p.264.

4. Aghānī, vol.19, p.63.



women by their hair styles. According to Abū Tammām, the sāhib al-shurṭa of the governor of <sup>C</sup>Irāq, Yūsūf b. <sup>C</sup>Umar (120-126/737-743) shaved the hair of Abū Tamhān al-Asadī because he curled it and wore it long to seduce women.<sup>1</sup> On another occasion, this time cited by Abu'l Faraj, the governor of Yammāma ordered a man to be shaved because he wanted to seduce a woman by his hair.<sup>2</sup> According to Ibn <sup>C</sup>Abd Rabbiḥī, the sāhib al-shurṭa of the governor of Wāsiṭ in the governorship of Hajjāj, arrested a pimp.<sup>3</sup>

It is interesting to note that in the Umayyad period some caliphs apparently prohibited the game of chess. A letter of <sup>C</sup>Abd al-Ḥamīd al-Kātib<sup>4</sup> dictated by the caliph Marwān b. Muḥammad was sent to a governor ordering him to order the sāhib al-shurṭa to punish anyone who played chess. The sāhib al-shurṭa was also to arrest anyone who played chess in public and imprison him, making him suffer hardships, and to remove his name from the dīwān of the caliph. The sāhib al-shurṭa was not to forgive anyone who played chess, for playing with images was a sin and when people became preoccupied with this game they did not do their work, and it also prevented them from assembling for prayers on time.<sup>5</sup> It appears

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1. Abū Tammām, op.cit., p.811.

2. Aghānī, vol.7, p.121.

3. Ibn <sup>C</sup>Abd Rabbiḥī, op.cit., vol.7, p.177.

4. Abd al-Ḥamīd al-Kātib was killed by the <sup>C</sup>Abbāsids in 132/749.

5. Muḥammad Kurd <sup>C</sup>Alī, Rasā'il al-Bulaghā' (Cairo, 1913), pp.165-66; Butros al-Bustānī, Udabā' al-<sup>C</sup>Arab (Beirut, 1979), p.412.

that the people of that time did not like playing chess and, according to Rāghib al-Isfahānī, the people of Medina would not marry their daughters to men who played chess.<sup>1</sup> This indicates that chess was regarded like gambling, and both the public and the authorities punished anyone who played chess. According to Bayhaqī, playing chess was hated by most Muslim fuqahā'. For example, Shāf'ī hated chess but he accepted the testimony of chess players if they were witnesses in court. Bayhaqī also attributes to 'Alī b. Abī Tālib an anecdote in which he saw some people playing chess and told them that they were playing with images and that he who plays chess is unreliable and a liar.<sup>2</sup>

According to Ibn Ḥazm, the Mālikīs and Ḥanafīs believed that anyone who plays chess breaks his ablution and so he must take another ablution before he prays. Ibn Ḥazm added that the prophet cursed anyone who played chess.<sup>3</sup>

#### 5.1.4 Helping the army against enemies outside the cities

As mentioned before, the shurṭa were the protectors of the interior of cities against rebels and outlaws but it seems that the shurṭa also had some authority outside the cities and helped the army to crush revolts which happened outside the cities. According to Ṭabarī, the shurṭa helped the Umayyad army against Ḥusayn b. 'Alī and his followers in the battle of Karbalā'. Ṭabarī adds that the shurṭa with their ṣāhib al-shurṭa were with the Umayyad army

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1. Rāghib al-Isfahānī, Muḥādarāt al-Udabā' (Beirut, 1961), vol.2, p. 726.

2. Bayhaqī, op.cit., vol.10, p.212.

3. Ibn Ḥazm, op.cit., vol.9, p.61.

and were dressed in mujaffafa (a kind of armour).<sup>1</sup> Ṭabarī also relates that the governor of ʿIrāq, ʿUbaydallāh b. Ziyād, sent his ṣāhib al-shurṭa with his men to put an armed force between al-Qutqutāna and Khaffān to cut off the retreat of Ḥusayn and his followers.<sup>2</sup>

Ṭabarī also mentions that on occasions the shurṭa helped the Umayyad troops against the Khārijites. For example in 119/737 when there was a Khārijite rebellion, the governor in ʿIrāq, Khālīd al-Qasrī, ordered the Syrian troops and two hundred Kūfan shurṭa to go out and fight them. The battle took place on the Euphrates.<sup>3</sup> In another incident, mentioned by Ṭabarī, the same governor Khālīd al-Qasrī heard that some Khārijites were in revolt and were attacking the villages outside the city of Kūfa. So he sent one of his commanders to be in charge of the shurṭa against these rebels. The shurṭa defeated the rebels after a short battle.<sup>4</sup> This incident shows that the governors could allow another commander to lead the shurṭa instead of the ṣāhib al-shurṭa who was the closest man to the governor and usually stayed with him unless the governor himself went out or ordered the ṣāhib al-shurṭa to do so instead. The governors did not generally fight themselves except in the case of a major revolt. Another incident shows that the ṣāhib al-shurṭa did not go out to fight the rebels himself. According to Jāhīz,

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1. Ṭabarī, vol.5, pp.434-35.

2. Ibid., p.401.

3. Ibid., vol.7, pp.130-31.

4. Ibid., ser.11-3, p.1628.



some Zanj revolted under the command of a man called Rabbāḥ al-Zinjī in the time of Ḥajjāj, and the Zanj won control of the Euphrates region. So Ḥajjāj sent the son of the ṣāḥib al-shurṭa instead of his father to fight these rebels.<sup>1</sup>

The ṣāḥib al-shurṭa, it appears, had his position in the camp and was responsible for anyone who came inside the camp. According to Ṭabarī, in 98/716, the ṣāḥib al-shurṭa of the governor of Khurāsān, Yazīd b. Muḥallab was responsible for anyone who entered the camp.<sup>2</sup> The best description of the position and duty of the ṣāḥib al-shurṭa inside the military camp is to be found in the letter which the caliph Marwān b. Muḥammad sent to his son and crown prince, when the caliph appointed him as a commander of the Umayyad army to fight the most dangerous Khārijite revolt in his reign. This revolt was led by Daḥḥāk b. Qays al-Shaybānī in 127/744. This letter was written by <sup>c</sup>Abd al-Ḥamīd, the kātib of the caliph:

'Advise your commanders not to punish anyone of their troops except for punishments for indiscipline or bad behaviour. But any ḥadd which reaches life-blood or cutting (of hands) or excess in whipping ..., should not be inflicted by one except yourself or your ṣāḥib al-shurṭa on your orders.'<sup>3</sup>

This letter makes clear the ṣāḥib al-shurṭa's importance in the

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1. Jāḥiẓ, Thalāth, p.65.

2. Ṭabarī, ser.11-3, p.1331.

3. Qalqashandī, op.cit., vol.10, p.222; Kurd <sup>c</sup>Alī, op.cit., pp.139-161.



military camp. It appears that the caliph in this letter emphasises to his son the crown prince that he may punish his soldiers if their crime is a major one but that commanders may punish their soldiers for minor crimes. If the governor does not inflict the punishments himself, his ṣāhib al-shurṭa may do it.

In this letter the caliph also advises his son that he should be aware of his enemy's position and place his shurṭa on that side of the camp.<sup>1</sup> Also in this letter the caliph orders his son to appoint for the office of the ṣāhib al-shurṭa the most trustworthy men from his commanders, who would give him honest advice, carry out his orders without hesitation and be truthful, upright and conscientious. He adds that the ṣāhib al-shurṭa must know about the position of the troops and about the places where they are camped, and that he must be experienced in his duties and competent in strategy. He must be from a good house and a well-known family.<sup>2</sup>

The ṣāhib al-shurṭa on the order of the governor, had the power to arrest men who were trying to evade active service. According to Ibn al-A<sup>C</sup>tham, Ḥajjāj saw that people were not going to the military camp to be sent out to fight the Khārijites. He ordered his ṣāhib al-shurṭa to conscript men for war and to take with him his sword and if they refused to go he could execute them.<sup>3</sup>

It seems that the ṣāhib al-shurṭa was ordered to fight in the

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1. Kurd <sup>C</sup>Alī, op.cit., p.161; Qalqashandī, op.cit., vol.10, p.228.

2. Ibid., pp.215-216; Kurd <sup>C</sup>Alī, op.cit., p.153.

3. Ibn al-A<sup>C</sup>tham, vol.7, p.15.

front line of battle, so he had to attack first. It is said that the last Umayyad caliph Marwān b. Muḥammad ordered his ṣāhib al-shurṭa to attack first but he refused to obey his order even when the caliph threatened him.<sup>1</sup> This was the battle of Zāb in 132/749 between the Umayyads and the <sup>C</sup>Abbāsids.<sup>2</sup> Probably the ṣāhib al-shurṭa did not obey the caliph's order because he knew that the Umayyads were losing the battle and he realised that the time of the Umayyads had come to its end so he did not care about the caliph's threat. Earlier, it would appear that the ṣāhib al-shurṭa had usually obeyed the caliphs until death but here the situation was changed and in the last days of the Umayyads even the caliph's most loyal men would not obey him.

All these incidents show that the shurṭa and especially the ṣāhib al-shurṭa were in action in any battle with their caliphs or governors. It appears that the ṣāhib al-shurṭa had great power in the military camp over the soldiers if they committed any crimes. The governors always ordered their ṣāhib al-shurṭa to attack in the front line of the battle, which suggests that the shurṭa were the governor's best troops and the ṣāhib al-shurṭa was the second man after the caliph or governor.

The shurṭa fought not only against political enemies of the Islamic state within the borders of the dar al-Islām, but also against external foes outside the frontiers of Islam. For example,

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1. Ya<sup>C</sup>qūbī, vol.3, p.87; Ibn Tīqṭaqa, Al-Fakhrī fi'l-Ādāb al-Sultāniyya wa'l-Duwal al-Islāmiyya (Paris, 1895), p.198.

2. Ibid.

according to Ṭabarī, the governor of Khurāsān, Asad b. <sup>C</sup>Abdallāh al-Qasrī, when he was campaigning against the Turks in 119/737, organised his troops according to their tribes and ordered the shurṭa to fight beside these troops.<sup>1</sup> It appears that the shurṭa were placed near the governor and when the battle began he allowed them to fight the enemy. Also from the position of the ṣāhib al-shurṭa in the battle, it seems that they were actually around the governors when the battle started.

According to Ṭabarī, when the <sup>C</sup>Abbāsīd army was under the command of Qaṭṭaba b. Shabīb in 132/749, he first ordered his flag-holder and his ṣāhib al-shurṭa to start the attack on the Umayyad army. Also in the same battle when the <sup>C</sup>Abbāsīd army crossed the Euphrates river, some of the Umayyad troops tried to retreat but the ṣāhib al-shurṭa prevented them and forced them back to their position.<sup>2</sup> It seems that the ṣāhib al-shurṭa with his shurṭa were the key figures in the army and the ṣāhib al-shurṭa was the second man after the governor both inside the city and in battle. Ṭabarī relates that in 130/747 the <sup>C</sup>Abbāsīd army under the command of Abū Muslim al-Khurāsānī attacked the Umayyad army camp. The first thing he did was to arrest the ṣāhib al-shurṭa because the governor escaped before Abū Muslim attacked the camp.<sup>3</sup> It appears that the ṣāhib al-shurṭa ordered the enemy troops who had been arrested or had surrendered after their defeat to be executed.

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1. Ṭabarī, ser.11-3, p.1609.

2. Ibid., ser.111-1, pp.15-17.

3. Ibid., vol.7, p.384.



The shurṭa also had power to deal with highway robbers outside the cities. As mentioned before, the shurṭa arrested or killed criminals and thieves inside the cities but by the orders of the governors they also had power to go outside the cities to pursue criminals and outlaws. For example, in the caliphate of Mu<sup>C</sup>āwiyā I, when <sup>C</sup>Ubaydallāh b. Ziyād was the governor of <sup>C</sup>Irāq, in Baṣra a man called Qa<sup>C</sup>aqā<sup>C</sup> b. <sup>C</sup>Awf killed someone from the Banū Sa<sup>C</sup>d and he escaped to an oasis. So some members of the dead man's family went to the governor to demand justice against the killer. Then the governor sent his ṣāḥib al-shurṭa with his men outside the city to search for the killer. When the ṣāḥib al-shurṭa discovered the killer's hiding place, he asked him to surrender, but he refused. The ṣāḥib al-shurṭa then threatened him with his lance and killed him.<sup>1</sup>

It appears from this incident that some tribes did not act to take revenge against murderers by themselves but they asked the governor for justice. A similar incident occurred in the caliphate of Marwān b. Ḥakam. There were thieves and murderers from the tribe of Azd who formed a gang of highway robbers and attacked people from other tribes. The governor of Mecca imprisoned the chiefs of the Azd tribe but some people advised him that these leaders had no authority over the gang of outlaws. So the governor released them and sent the shurṭa with them to arrest the gang. The shurṭa searched for them and imprisoned them, including their leader, who was called Ya<sup>C</sup>lā b. Muslim al-Azdī.<sup>2</sup>

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1. Muḥammad b. Ḥabīb, Dīwān Farazdaq (Paris, 1870), p.25.

2. Aghānī, vol.19, p.111.



From this example it seems that the shurṭa were active against highway robbers. Evidently the first action that the governor took against robbers was to find out to which tribe they belonged, so that he could put pressure on the chiefs to surrender them to justice. When the governor realised that the chiefs had no authority over the outlaws, he sent his shurṭa to look for the thieves themselves. In another incident a man called Hudba killed a man from another tribe and so the relatives of the murdered man went to the governor to demand justice. The governor tried to arrest the killer but he failed. Then he arrested the killer's uncle and some other relatives and said he would not let them go until their relation would come to justice. So the killer surrendered himself and the governor let his relatives go. The killer remained in prison until the son of the dead man grew up and the governor asked him if he would let his father's killer pay diya or whether he wanted him to be killed. The son asked for his death and so the governor ordered the ṣāhib al-shurṭa to bring the killer to be executed in front of the people.<sup>1</sup>

Most of the time the leaders of the tribes were themselves responsible for the security of their people and their territory, so if any crimes happened within their community they had to pursue the criminals themselves or report them to the governor. If any tribe performed a highway robbery in the territory that they were supposed to keep secure, immediately the governor of that province took action against them. For example, the clan of Banū

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1. Abū Tammām, op.cit., pp.235-36.

<sup>c</sup>Amr b.Ḥanzal robbed some people who passed through their territory and so Ḥajjāj sent a letter to them saying

'I swear by God that if you return to your evil ways and harmful actions, I will send horsemen to make your women widows and your children orphans. If anyone comes to your oasis (camp) your people are responsible for his safety. I give you my warning that I forgive you this time, but the next time I will take revenge.'<sup>1</sup>

Probably when Ḥajjāj threatened to send horsemen he meant the shurṭa.

It appears that some ṣāḥib al-shurṭa were very active against highway robbers. For example, the poet Dhu'l Rumma praised the ṣāḥib al-shurṭa of the governor of <sup>c</sup>Irāq Khālīd al-Qasrī, Mālīk b. Mundhir, because he made both the city and the countryside peaceful by killing thieves, highway robbers and outlaws.<sup>2</sup> Dhu'l Rumma also praises in his poem another ṣāḥib al-shurṭa who was tough on criminals, especially those outside the cities.<sup>3</sup> The punishments that the ṣāḥib al-shurṭa used against highway robbers were hanging them in public or crucifying them. These kinds of punishments were conducted according to the ḥudūd. According to Ibn Ḥazm

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1. Rāghib al-Iṣfahanī, op.cit., vol.3, p.151.

2. Yusūf Khalīfa, Dhu'l Rumma shā<sup>c</sup>ir al-ḥubb wa'l-Sahra' (Cairo, 1970), pp.203-204. Dhu'l Rumma said:

وَأَمِنْ لَيْلِ الْمُسْلِمِينَ غَنَمُوا      وَمَا كَانَ أَمْسِيٍّ آمِنًا قَبْلَ ذَلِكَ  
تَرَكْتُ لَصُورِ الْمُهْرَمِينَ      بَاتَسِ صَلِيبٍ وَيَكُونُ عَدُوًّا لِرَاسِمِ بَارِكِ

3. Ibid., p.202.

anyone who performed a highway robbery on a Muslim should be given the punishment of salb (crucifixion).<sup>1</sup>

The shurṭa also used to guard or escort money which was sent by the governor to the caliph. For example, according to Balādhurī, a caravan carrying money from Baṣra to ʿAbdallāh b. Zubayr, when he was caliph, was escorted by thirty shurṭa, but in the middle of the journey some sixty Khārijites attacked them and stole the money.<sup>2</sup>

#### 5.1.5 Carrying out executions and tortures of political offenders and generally dealing with prisoners and the ṣāhib al-sijin

In the Umayyad period the enemies of the state, especially political enemies like the Shiites and the Khārijites, became more active against the authority of the state. The shurṭa were responsible for executing these political enemies whenever they were captured, either in war or in rebellion. They performed this duty by order of the governor who as the most important man in the province had the power to execute his political enemies. Many sources relate that the shurṭa and their ṣāhib al-shurṭa executed political enemies by order of the governor. For example, according to Ṭabarī, in 102/720 when a recent war had finished,<sup>3</sup> the Syrian troops arrested

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1. Ibn Ḥazm, op.cit., vol.11, pp.314-315.

2. Ansāb, vol.11, p.127.

3. In this war between the Umayyads, in the caliphate of Yazīd II, and the rebel army of Yazīd b. Muḥallab, the latter was defeated and killed.



three hundred of Yazīd b. Muhallab's soldiers. The governor of Iraq ordered his ṣāhib al-shurṭa to execute twenty or thirty soldiers at a time.<sup>1</sup>

The ṣāhib al-shurṭa with his shurṭa had authority to execute anyone suspected of being a rebel or traitor. Ibn Abī'l Ḥadīd mentions that in the governorship of Ziyād in Baṣra, the ṣāhib al-shurṭa executed a man whom he believed to be a Khārijite<sup>2</sup> and according to Mubarrad the governor of Baṣra, Ubaydallāh b. Ziyād, ordered the shurṭa to execute the leader of the Khārijites. So one of the shurṭa performed the execution.<sup>3</sup> From this incident it appears that the individual shurṭa under the Umayyads performed the duty of executioner. Sometimes the governor ordered the shurṭa who were present in his court to execute anyone they wanted to be executed. The governor of 'Irāq, Muṣ'ab b. Zubayr ordered his shurṭa to execute the wife of Mukhtār.<sup>4</sup> According to Ibn 'Abd Rabbihi, the governor of 'Irāq, Ziyād b. Abīhi ordered his ṣāhib al-shurṭa to execute a man who had criticised him.<sup>5</sup> The ṣāhib al-shurṭa of Marwān b. Muḥammad ordered the execution of all prisoners except slaves after a battle between the army of Marwān and his relation Sulaymān b. Hishām in 127/744. They executed more than

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1. Tabarī, ser.11-3, p.1407.

2. Nahj, vol.4, p.77.

3. Mubarrad, vol.3, pp.273-74.

4. Tabarī, vol.6, p.112.

5. Ibn 'Abd Rabbihi, op.cit., vol.1, p.44.



thirty thousand prisoners.<sup>1</sup> From this incident it seems that the shurṭa were the executioners of the rebel armies. On occasions, certain shurṭa did not obey their governors' orders to execute prisoners. According to Balādhurī, the governor of ʿIrāq, Ubaydallāh b. Ziyād, ordered one of his shurṭa, whose name was Abū ʿAzza, to execute a prisoner but Abū ʿAzza refused and so the governor ordered his arrest.<sup>2</sup> This incident appears to have been exceptional, however, since the shurṭa could not generally refuse any order of their governors. Evidently in this instance the shurṭī believed that executing this particular man was not right; but he himself was arrested after refusing to obey the order.

In the Umayyad period the shurṭa performed other duties, such as torturing political enemies of the state. Many incidents show how the shurṭa in this period tortured opponents of the Umayyads. According to Balādhurī, the governor of Medina ordered his ṣāhib al-shurṭa to torture people who refused to give homage to the new caliph Yazīd b. Muʿāwiya.<sup>3</sup> According to Abū Muḥammad al-Iṣfahānī, Saʿīd b. Musayyib refused to give homage to the sons of ʿAbd al-Malik, Walīd and Sulaymān, so the governor of Medina ordered his shurṭa to torture Saʿīd. The particular method of torture used by the shurṭa was as follows: when Saʿīd was arrested the shurṭa forced him to wear rough underpants (tubbān)<sup>4</sup> and then whipped

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1. Ṭabarī, vol.7, p.325.

2. Ansāb, vol.4B, p.89.

3. Ibid., p.24.

4. Tubbān were worn by prisoners awaiting execution and by sailors. According to Muḥammad al-Rāzī, they covered the genitals.

him with thirty lashes. Then the shurṭa made Sa<sup>c</sup>īd stand in the sun, in the street, to be seen by everyone. Then the governor sent for him and asked him to give homage but still Sa<sup>c</sup>īd refused, so the shurṭa tortured him again.<sup>1</sup>

In the governorship of Khālīd al-Qasrī in <sup>c</sup>Irāq, the governor became angry with a tribal leader and ordered his ṣāhib al-shurṭa to torture this man. So the ṣāhib al-shurṭa whipped him until he died.<sup>2</sup> Tortures were also meted out to those who had actually been strong supporters of the Umayyads when they had fallen from favour. For example, when the caliph Walīd b.Yazīd (125-126/742-43) turned against the former governor of <sup>c</sup>Irāq Khālīd al-Qasrī, he ordered his ṣāhib al-shurṭa to torture Khālīd, so the ṣāhib al-shurṭa tortured Khālīd with many different kinds of tortures.<sup>3</sup>

It was not only the Umayyad caliphs who used the shurṭa to torture their political rivals. For example, the ṣāhib al-shurṭa of Mukhtār al-Thaqafī in Kūfa tortured a man who was allegedly responsible for killing Ḥusayn b.<sup>c</sup>Alī and his family. On the orders of Mukhtār, the ṣāhib al-shurṭa tortured that man by stoning him until he fell down and after that burnt him to death.<sup>4</sup> Also Muṣ<sup>c</sup>ab b.Zubayr, the governor of <sup>c</sup>Irāq in the time of his brother <sup>c</sup>Abdallāh b.Zubayr, ordered his shurṭa to torture the wife of

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1. Abū Nu<sup>c</sup>aym al-Isfahānī, Ḥilyat al-Awliyā' wa Ṭabaqāt al-Aṣfiyā' (Cairo, 1933), vol.2, pp.170-71.

2. Ṭabarī, ser.11-3, pp.1495-96.

3. Abū Ḥanīfa, op.cit., pp.346-47.

4. Ansāb, vol.5, pp.238-39.

Mukhtār. So the shurṭa hit her with a sword until she died.<sup>1</sup>

It was not only political rivals who were tortured by the shurṭa but it also appears that the shurṭa tortured by order of the governor certain poets who satirised the governor in their poems. For example, according to Abu'l Faraj, the poet Ibn Mufarrīgh satirised the governor of Baṣra, Ubaydallāh b. Ziyād. When Ibn Mufarrīgh was arrested by the shurṭa, the governor ʿUbaydallāh ordered the shurṭa to torture him. The shurṭa tortured Ibn Mufarrīgh by giving him wine to drink which contained shabrum which caused diarrhoea and then made him appear in the streets while he was unable to control himself.<sup>2</sup> They also tied a pig to Ibn Mufarrīgh and the small boys of Baṣra followed him, laughing at him. After that the shurṭa put him in prison<sup>3</sup> and whipped him.<sup>4</sup>

It becomes clear that in this period the governors used the

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1. Ibid., p.264.

2. Aghānī, vol.17, pp.56-57; Dīwān Ibn Mufarrīgh al-Himyārī (Beirut, 1975), pp.56,149.

3. Ibid.

4. The poet himself describes his conditions in this poem. He writes:

وقد تعدّيت في القصاص وأدركت  
وقرنت مع الخنازير هيراً  
ويمني مفلولة وشيالي  
وكلاً بأني شني من ورائي  
عجب الناس ما لي وما لي  
وأطمت مع العقوبة سجنِي  
فلم أَسْجُنْ أَوْ مَنَ إِيَّاهُ

Aghānī, vol.17, p.58; Dīwān Ibn Mufarrīgh, pp.187-88.



shurṭa to suppress their political enemies or anyone else who incurred their disfavour. It seems that the shurṭa used a variety of methods of torture on these people.

Prisons (sijn or habs) were known in the Muslim community even in the time of the Prophet.<sup>1</sup> But it was in the caliphate of ʿUmar b. al-Khaṭṭāb that prisons were officially established in Muslim cities. ʿUmar bought a house in Mecca and converted it into a prison.<sup>2</sup> In Umayyad times punishment by imprisonment became more common and the governors used this form of punishment both for criminals and for political rivals. It appears that the sijn, in this period, had a sajjān (jailer). For example, the governor of ʿIrāq, Khālīd al-Qasrī, ordered the poet Farazdaq to be imprisoned. So the sajjān was responsible for putting Farazdaq in prison.<sup>3</sup> The shurṭa were also responsible for arresting criminals and enemies of the Umayyads by the orders of the ṣāhib al-shurṭa. They sent the prisoners to the sajjān to put them in prison. Many incidents show that the ṣāhib al-shurṭa with his shurṭa arrested people and after that handed them over to the sajjān.

The ṣāhib al-shurṭa of Mukhtār al-Thaqafī imprisoned the wife of one of Mukhtār's enemies.<sup>4</sup> It appears that some sajjāns in this period could allow prisoners to go to their homes on their own

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1. F. Rosenthal, The Muslim Concept of Freedom (Leiden, 1960), p.36.

2. Ibid., p.37.

3. Aghānī, vol.19, p.42.

4. Ansāb, vol.5, p.293.



authority. For example, the sajjān in the governorship of <sup>C</sup>Ubaydallāh b. Ziyād, allowed a man who was imprisoned for being a Khārijite, to go to his home.<sup>1</sup> However, it seems that this incident, allowing the prisoner to go home on his own authority without the order of the governor, was unusual, since generally the sajjān had no authority to allow prisoners to go home except on the orders of the governor, especially when it involved Khārijites.

The ṣāhib al-shurṭa with his shurṭa arrested not only political prisoners but also criminals. Many incidents show that criminals, murderers, thieves, and those who had committed an offence against Islamic law or the state were imprisoned. According to Ibn Wakī', the governor of Baṣra, who was at the same time ṣāhib al-shurṭa, Bilāl b. Abī Burda b. Mūsā al-Ash<sup>C</sup>arī, in the time of the caliph Hishām (105-125/723-42) imprisoned a murderer.<sup>2</sup> The ṣāhib al-shurṭa of Ḥajjāj imprisoned people who failed to pay their debts.<sup>3</sup> The ṣāhib al-shurṭa also imprisoned on the orders of the caliph anyone who played chess.<sup>4</sup>

In the Umayyad period the prisons had names. According to Abu'l Faraj, <sup>C</sup>Abdallāh b. Zubayr imprisoned Muḥammad (al-Ḥanafīyya) b. <sup>C</sup>Alī b. Abī Tālib in the prison in Mecca which was called Sijn

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1. Mubarrad, vol.3, p.248.

2. Wakī<sup>C</sup>, vol.2, p.40.

3. Uyūn, vol.1, p.16.

4. Kurd <sup>C</sup>Alī, op.cit., p.166.

Ārim.<sup>1</sup> Ḥajjāj's prison in the city of Wāsiṭ was called al-Daymās ( الدياس ).<sup>2</sup> It appears that most of these prisons were in bad condition. For example, Ibn Sa<sup>c</sup>d describes the prison al-Daymās as being without a roof to protect the prisoners from the sun or from the winter weather, so that many of them died in that prison.<sup>3</sup>

It seems that some of these prisons were not very secure buildings, so many prisoners escaped from them, especially political prisoners. For example, the rival of Mukhtār al-Thaqafī, Ibn Ḥurr, got his wife out of prison and they escaped although the ṣāhib al-shurṭa of Mukhtār tried to prevent them from getting away.<sup>4</sup> Moreover, Yazīd b. Muhallab escaped from the prison of Ḥajjāj in 90/708.<sup>5</sup> It seems that some prisoners dug a hole in the prison wall in order to escape. According to Abū Hanīfa, the leader of the Yemenite tribes escaped from the prison of the governor of Khurāsān, Naṣr b. Sayyār, in 127/744 by digging a hole in the wall. When the governor discovered the escape of his enemy he ordered the execution of the sajjān or the ṣāhib al-sijn, believing that the sajjān had helped him to escape.<sup>6</sup>

As Rosenthal says,

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1. Aghānī, vol.9, p.15.

2. Tabaqāt, vol.6, p.285.

3. Ibid.

4. Ansāb, vol.5, p.294.

5. Tabarī, vol.6, pp.448-49.

6. Abū Hanīfa, op.cit., pp.351-52.

'A prolonged stay in prison could produce a strong desire for freedom and lead people to all sorts of desperate measures. Prison breaks appear to have been common and often dramatic.'<sup>1</sup>

It appears that the shurṭa often tortured the prisoners before they imprisoned them. For example, when Sa<sup>c</sup>īd b. Musayyib refused to give homage, in the time of <sup>c</sup>Abd al-Malik, he was tortured and after that imprisoned.<sup>2</sup> As mentioned before, in the case of the poet Ibn Mufarrāḡh he was tortured by the shurṭa and then imprisoned.<sup>3</sup>

It seems that the prisoners in the prison had an imām to lead the prayers.<sup>4</sup> It also appears that when the prisoners wanted to perform their ablutions before the prayers, they had to come out of the prison for this purpose as there was no water inside.<sup>5</sup>

It also seems that prisoners of war could be put in prison before execution. According to Ṭabarī, when Yazīd b. Muḥallab was defeated by the Umayyads, his supporters were put in prison and later the governor ordered the sāhib al-shurṭa to execute them.<sup>6</sup>

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1. Rosenthal, op.cit., p.64.

2. Abū Nu<sup>c</sup>aym al-Isfahānī, op.cit., vol.2, pp.170-71.

3. Cf. p.123.

4. Aghānī, vol.17, p.86.

5. Ibid., vol.20, p.162.

6. Ṭabarī, ser.11-3, p.1407.

As mentioned before, the shurṭa, especially the sāhib al-shurṭa, had authority over the prisoners and the sajjān but he was not responsible for what happened in the sijn because the responsibility of the sijn belonged to the sajjān but it was the sāhib al-shurṭa who brought people to prison. The main reason for using prisons in this period was the increase of political enemies in the first place and in the second place the increase of criminals and outlaws. As Levy mentions:

'Imprisonment seems to have been at the will of anyone in power. Habitual criminals might by law be imprisoned for life, but they must be fed and clothed at the expense of the Baytal-Māl (the public treasury) if they had no means of their own.'<sup>1</sup>

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1. Levy, op.cit., vol.1, p.397.



## Chapter 6

# SOME SPECIFIC ASPECTS OF THE SHURTA INSTITUTION IN THE Umayyad Period

## Chapter 6

### SOME SPECIFIC ASPECTS OF THE SHURṬA INSTITUTION IN THE Umayyad Period

#### 6.1 THE LOCATION OF THE SHURṬA WITHIN THE CITY

As already mentioned, the job of the shurṭa was very important, especially inside the city. For this reason, the shurṭa usually had special quarters within the city itself in which to perform their duties. Many historical sources mention the places which the authorities constructed for the shurṭa inside the city, often inside or near the governor's palace or around the great mosque.

As mentioned before, it appears that the sāhib al-shurṭa was present at audiences (majlis) given by the governor, ready to defend them against any threat from the enemy or any opposition at all during the audience. An example of this is an anecdote related by Ṭabarī about the governor of Kūfa, <sup>C</sup>Abdallāh b. <sup>C</sup>Umar b. <sup>C</sup>Abd al-<sup>C</sup>Azīz, in 127/744. One day two tribal leaders with a complaint against him entered the governor's audience and threatened him. He became angry and ordered them to be thrown out. Then the sāhib al-shurṭa who was behind the governor pushed these men out of the majlis.<sup>1</sup> It seems that it was common practice that whenever the governor was in the majlis (court) and having audience with the people, the sāhib al-shurṭa

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1. Ṭabarī, vol.7, p.305.

was with him, ready to take orders.

The sāhib al-shurṭa was sometimes described as standing behind the governor.<sup>1</sup> It appears that because of his important duty of guarding the governor, the sāhib al-shurṭa was so near to him that Ṭabarī described his position as follows: يقوم على

رأسه.<sup>2</sup> No doubt his position was similarly close in an incident related by Balādhūrī who mentions that in the governorship of Ziyād b. Abīhī a man approached Ziyād with a knife. The sāhib al-shurṭa of Ziyād thought he was going to attack the governor, so he killed him.<sup>3</sup>

The shurṭa also had special positions in the palace of the governor. The sources do not relate the exact location of such posts in the palace but we can deduce what they may have been from incidents related. According to Ṭabarī, the governor of <sup>C</sup>Irāq, Ziyād b. Abīhi, ordered the leader of the Shī<sup>C</sup>a in Kūfa, Hujr al-Kindī, to be brought to him. So the sāhib al-shurṭa, who was present in the governor's majlis, ordered one of his shurṭa to go to Hujr.<sup>4</sup> It appears from this incident that the shurṭa were present in the court to guard the governor, probably they were standing around the governor and did everything which the governor ordered directly or through the order of the sāhib al-shurṭa as happened in this incident.

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1. Ibid.; vol.5, p.368.

2. Ibid.

3. Ansāb, vol.4A, p.193.

4. Ṭabarī, ibid., p.257.

On another occasion, according to Ibn Qutayba, the governor of Medina in the time of Mu<sup>C</sup>āwīya, Sa<sup>C</sup>īd b. al-<sup>C</sup>Āṣ, gave people dinner in his majlis at night. When the dinner was finished the people began to go, except for one shabbily dressed man sitting on the carpet. The shurṭa immediately came to take him out of the majlis but the governor prevented them.<sup>1</sup> In this incident it seems that the shurṭa were positioned in the majlis of the governor and if they saw anything which was not normal or if they noticed strangers in the majlis they immediately acted against them because they were stationed in the majlis to protect the governor. They would act in this capacity as the situation demanded without awaiting orders from the governor. Probably they had previously been trained in the correct behaviour which they should adopt to protect the governor.

The governor of Egypt, <sup>C</sup>Abd al-<sup>C</sup>Azīz b. Marwān (65-85/684-704) built a new palace in the town of Hulwān. The first action he took after it was finished was to station the shurṭa inside this new palace.<sup>2</sup> The governor of <sup>C</sup>Irāq, Ziyād b. Abīhi, gave dinner to his shurṭa who were on duty in his palace.<sup>3</sup> It seems that not all the shurṭa were on duty in the palace of the governor at the same time. According to Ṭabarī, when the Shī<sup>C</sup>a revolted against the Umayyads under the leadership of Muslim b. <sup>C</sup>Aqīl, the governor <sup>C</sup>Ubaydallāh had only thirty shurṭa with him in the palace.<sup>4</sup> This

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1. Shi<sup>C</sup>r, vol.1, p.284.

2. Wulāt, p.71.

3. Ansāb, vol.4A, p.210.

4. Ṭabarī, vol.5, p.369.



incident shows that not all the shurṭa were on duty in the palace at once since it seems that there were also shurṭa on guard on the walls of the palace so that they knew who was outside and could defend the palace from the top of the wall if anything dangerous occurred, such as the revolt mentioned here.<sup>1</sup>

The shurṭa did their duty as the guardians of the city by keeping watch in turn. For example, not all the shurṭa were on duty inside the palace or in the city at the same time. As Jāḥiẓ relates, the ṣāḥib al-shurṭa of Ḥajjāj asked a shurṭī of his to do something for him and told him that if he did this job he would excuse him from his turn of duty (nawba) for one year.<sup>2</sup> Because the shurṭa were not all on duty in the same place either in the palace or at their stations, when a revolt happened and all the shurṭa were required to be present, the governor would order a herald to go around the streets so that all the shurṭa could hear and come to their station. Most of the time the shurṭa would gather in the neighbourhood of the palace or in the great mosque.<sup>3</sup> The heralds warned the shurṭa that if they did not come forward to do their duty they would be punished.<sup>4</sup> This indicates that most members of the shurṭa were at home except for those on duty guarding the palace or the city.

It appears that the shurṭa on occasion had a kind of post

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1. Ibid.

2. Bukhalā', p.162.

3. Ṭabarī, vol.5, p.372; Maqātil, p.136.

4. Ibid.

probably near the palace of the governor. In this station he would investigate criminal cases. He could also punish malefactors on the spot, as mentioned elsewhere in the case of the ṣāhib al-shurṭa of Ḥajjāj.<sup>1</sup> It seems that the ṣāhib al-shurṭa listened in his station to anyone who wanted to make a complaint or to ask help from the shurṭa. As Zubayr b. Bakkār relates, a man who was on a pilgrimage came to the ṣāhib al-shurṭa of Medina to complain that someone had broken his nose. So the ṣāhib al-shurṭa sent for that man in order to judge the case.<sup>2</sup>

It seems that the station of the shurṭa<sup>3</sup> was open for anyone who needed help and the shurṭa were ready to act immediately. If anyone sent for the shurṭa to come to their house because of thieves breaking in and strangers attacking, the shurṭa would go to the house to make arrests and help.<sup>4</sup> It seems that the shurṭa did not punish everyone at their station; some people were punished outside, such as the example of the adulteress whom the ṣāhib al-shurṭa stoned in the graveyard.<sup>5</sup> Probably this kind of punishment was

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1. Cf. p.92.

2. Zubayr b. Bakkār, op.cit., p.519.

3. According to much later sources, the station where the shurṭa gathered in this period was called the dar al-shurṭa or the majlis al-shurṭa. Certainly, in the <sup>C</sup>Abbāsīd sources, as will be discussed later, the term most regularly used was majlis al-shurṭa: Ibn Duqmāq, Kitāb al-Intisār li Wāṣṭa <sup>C</sup>Iqd al-Amsār (Beirut, n.d.), vol.1, p.5; Kathīr, vol.9, p.269.

4. Aghānī, vol.16, p.145.

5. Abū <sup>C</sup>Ubayda, op.cit., vol.2, p.831.

done outside so that people could join in the stoning and when the adulteress died she could be buried in the graveyard.

The shurṭa were also stationed in the grand mosque, especially when the caliph or the governor was present in the mosque. The importance of the mosque was very great because in the mosque the caliph and the governor addressed the people, especially at the time of Friday prayers. As mentioned before, the first caliph to use the shurṭa in the mosque as his bodyguard was Mu<sup>c</sup>āwiyā I<sup>1</sup> and in his time the governor stationed the shurṭa in the mosque. Every Muslim city had a great mosque which was near or attached to the palace of the caliph or the governor who gave their political and religious speeches in the mosque. The shurṭa guarded the caliph and the governor by standing near them while they prayed or made their speech.<sup>2</sup> According to Kindī, the shurṭa guarded the mosque even when the governor was not there. For example, the new governor of Egypt arrived in Fustāṭ in the caliphate of Walīd b. <sup>c</sup>Abd al-Malik, before the old governor was dismissed. So he entered the great mosque and sat in the governor's place. Immediately the shurṭa came and told him that that place belonged to the governor. Then the new governor told the shurṭa to tell the former governor about him but the shurṭa told him that the governor was not in the city. So he told them to bring his deputy and the shurṭa went to the ṣāhib al-shurṭa and told him about that man.<sup>3</sup> This incident

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1. Cf. p.29.

2. Tabarī, vol.5, p.149.

3. Wulāt, p.83.



shows that the shurṭa were on guard inside the mosque and did not allow anyone to sit in the governor's place.

From all these examples it seems that the shurṭa had their official place where the ṣāhib al-shurṭa sat to investigate criminals' cases and to give sentence. Also the shurṭa were stationed inside and outside the caliph and governor's palaces to protect them and in the great mosque to protect the caliph and governors from their enemies. These places in which the shurṭa were stationed were the best guarded places in the city.

## 6.2 THE WEAPONS AND TRANSPORT OF THE SHURṬA

As mentioned before, the shurṭa were the main internal force and the protectors of authority inside and cities and the army camps. The sources mention different kinds of weapons used by the shurṭa in the Umayyad period. The weapons of the ṣāhib al-shurṭa had a special significance: one weapon was the lance (ramḥ). According to Ṭabarī the governor of <sup>C</sup>Irāq, Ziyād b. Abīhi, appointed two men to be his ṣāhib al-shurṭa and their names were <sup>C</sup>Abdallāh b. Ḥiṣn and Ja<sup>C</sup>d b. Qays. One day when Ziyād was riding and these two ṣāhib al-shurṭa were walking in front of him with their lances in their hands, they suddenly began to argue, so Ziyād ordered Ja<sup>C</sup>d to put down his lance. This meant that he was dismissed.<sup>1</sup> This incident shows that the lance was one of the weapons of the ṣāhib al-shurṭa and his sign of authority as the ṣāhib al-shurṭa.

According to Abu'l Faraj on a different occasion when the

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1. Ṭabarī, op.cit., pp.222-23.



sāhib al-shurṭa was dismissed he had to put down his sword (sayf).<sup>1</sup>

Probably both accounts are right. The sāhib al-shurṭa must have carried a sword regularly, as we know from some incidents when he was ready to kill anyone whom the governor ordered to be killed, especially in his court.<sup>2</sup> In the second incident, the sāhib al-shurṭa's main weapon was the sword. When the governor dismissed his sāhib al-shurṭa by ordering him to put down his sword this probably happened inside the court. In the incident cited by Ṭabarī of Ziyād ordering his sāhib al-shurṭa to put down his lance, this happened outside the court where the sāhib al-shurṭa usually walked in front of the governor with his lance in his hand as a sign of authority. So it is evident that the sāhib al-shurṭa used these two weapons in the performance of his duties.

A third weapon is also mentioned by Dhahabī. The sāhib al-shurṭa in the Umayyad period usually rode on horseback and carried in his hand a lance, with his men around him carrying a kind of weapon called kāfr kūbāt.<sup>3</sup> This shows that the shurṭa carried this kind of weapon to protect the sāhib al-shurṭa. According to one source, it seems that the kāfr kūbāt was a kind of sling shot.<sup>4</sup>

The shurṭa also had other weapons similar to those of their chief. According to Balādhurī, when Ziyād was appointed as the governor of Basra in 45/665 he criticised the shurṭa's weapons

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1. Aghānī, vol.5, p.75.

2. Cf. p.64.

3. Mīzān, vol.1, p.625.

4. Cf. Wakī<sup>C</sup>, vol.2, p.51.

and said to them: 'Your lances are very short. They look like billy-goat's legs.'<sup>1</sup> Evidently before Ziyād, the shurṭa used very short lances which Ziyād did not like because they were not effective against the enemy.<sup>2</sup>

The shurṭa also used poles called ḥāmūd. According to Ṭabarī, when Ziyād sent the shurṭa to bring the Shi<sup>c</sup>a leader Hujr b. <sup>c</sup>Adī to his palace, his followers fought with the shurṭa and the shurṭa used ḥāmūd to beat them.<sup>3</sup> It seems that the shurṭa also carried a sword to execute political prisoners inside the palace, as their sāhib al-shurṭa did.<sup>4</sup> The shurṭa used whips for carrying out ḥudūd against those who had acted immorally as has been described.<sup>5</sup> According to Jāḥiẓ, a governor of Khurāsān, in the Umayyad period, was beating a man with a stick, and someone told him that a stick was for beating animals, the whip (saṭṭ) for ḥudūd and ta<sup>c</sup>zīr, the durra for rebukes and softer punishments, and the sword for fighting the enemy.<sup>6</sup>

From this incident it seems that each weapon was intended to be used for a different crime or purpose. When the governor was seen using the wrong means of punishment he was immediately reminded of his mistake. When the shurṭa were helping the army

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1. Ansāb, vol.4A, p.152.

2. Ibid.

3. Ṭabarī, vol.5, p.259.

4. Ibid., p.349.

5. Cf. p.108.

6. Bayān, vol.3, p.45.

it appears that they used similar weapons to the soldiers; they used lances, swords and bows and arrows.<sup>1</sup> As already mentioned, the shurṭa wore al-mujaffifa (a kind of armour) when they were in battle.<sup>2</sup>

For transport the shurṭa usually travelled on horseback or they went on foot. Many incidents show that the shurṭa used horses. According to Muḥammad b. Ḥabīb, when the governor Ziyād ordered his ṣāhib al-shurṭa to go outside the city to look for a murderer, the ṣāhib al-shurṭa and his men were riding horses,<sup>3</sup> which made it easier for them to look for the killer. Inside the cities the shurṭa were usually on foot. As Tanūkhī relates, the shurṭa were patrolling the streets of the city and could arrest anyone on the orders of the governor.<sup>4</sup> But it seems that the shurṭa and their ṣāhib al-shurṭa used horses even inside the city when a revolt occurred. Abu 'l-Faraj relates that when Zayd b. 'Alī revolted in Kūfa in 122/739 the governor ordered the ṣāhib al-shurṭa to lead his shurṭa against Zayd and they were riding horses when they attacked the rebels.<sup>5</sup> So it appears that the shurṭa used horses (khayl) against the rebels. According to Ṭabarī, however, when the Khārijites revolted in 'Irāq, in the governorship of Khālīd al-Qasrī, the governor sent six hundred Syrian troops and two hundred shurṭa from Kūfa against them and

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1. Qalqashandī, op.cit., vol.10, p.228.

2. Ṭabarī, vol.5, p.434.

3. Muḥammad b. Ḥabīb, Diwān, p.25.

4. Faraj, vol.2, p.124.

5. Maqātil, p.138.



in the battle the shurṭa and the Syrian troops were defeated; the Syrian troops escaped on good horses but it appears the shurṭa had no horses and so could not escape from the Khārijites.<sup>1</sup> Probably this was an unusual incident since the Syrian troops, at that time, were the guardians of <sup>C</sup>Irāq so the shurṭa's role in defending the province had taken second place, and perhaps it was for this reason that the governor had not given the shurṭa horses like the Syrian troops.

The sāhib al-shurṭa usually rode a horse when patrolling the streets with his shurṭa. As mentioned before, the sāhib al-shurṭa rode his horse escorted by his mawkib.<sup>2</sup> According to Jāhiz, the sāhib al-shurṭa of Ḥajjāj did not use his mawkib and instead of riding a good horse rode on a mule. The governor at that time did not like the sāhib al-shurṭa to ride on a mule since he wanted him to be mounted on the best horses.<sup>3</sup> This action by the sāhib al-shurṭa of riding a mule rather than a horse caused him to be criticised by the poets.<sup>4</sup> Most of the sāhib al-shurṭa in the Umayyad period used the best horses and so this sāhib al-shurṭa was criticised and not liked by his governor and people for riding a mule like a qādī.

According to one source, Ibn <sup>C</sup>Asākir, the sāhib al-shurṭa in this period also used camels for their transport, as Ibn <sup>C</sup>Asākir relates of the sāhib al-shurṭa of the governor of Medina in the time of Mu<sup>C</sup>āwiya I.<sup>5</sup>

1. Tabari, ser.11-3, p.1624.

2. Māwardī, op.cit., p.40.

3. Qawl, p.74.

4. Ibid., p.77. The poet said:

مَنْ كَانَ ذُو الْأَشْرَاطِ يَرْكَبُ بَغْلَةً  
وَيُرِي طَرَفَ ذَاتِهَا وَمِثْلَ

5. Ibn <sup>C</sup>Asākir, op.cit., vol.6, p.409.



### 6.3 THE SALARY OF THE SHURṬA

The shurṭa, like the rest of the Umayyad officials, received a salary for their services as the internal force and the protectors of the caliphs and the governors. From some records it seems that the salary of the shurṭa was very high in comparison to that of the other officials. According to Nawawī, the first ṣāhib al-shurṭa in ʿUthmān's caliphate received a very large sum of money; the caliph ʿUthmān gave four thousand dirhams to his ṣāhib al-shurṭa.<sup>1</sup> This compares very favourably with sums paid to other officials. It seems that this high salary which the ṣāhib al-shurṭa earned continued through the Umayyad period. According to Balādhurī (73-75/692-94) the governor of ʿIrāq, Bishr b. Marwān, gave his ṣāhib al-shurṭa one hundred thousand dirhams.<sup>2</sup> It appears that this salary was for one year. The individual shurṭa also received a high salary for their services. According to Dhahabī, the caliph ʿUmar b. ʿAbd al-ʿAzīz gave to his shurṭa ten dīnārs each.<sup>3</sup> Presumably this was a monthly salary. Maqdisī mentions that the shurṭī who guarded the body of Zayd b. ʿAlī, when he was crucified in 122/739, received three dirhams salary a day.<sup>4</sup>

The shurṭa earned their regular salary but they also received money from the caliphs and the governors as gifts. For example, at the marriage of his son Walīd, the caliph ʿAbd al-Malik gave all

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1. Nawawī, op.cit., vol.1; vol.2, p.116.

2. Ansāb, vol.5, p.177.

3. Tārīkh al-Islām, vol.4, p.173.

4. Maqdisī, al-Bad' wa'l-Tārīkh (Paris, 1919), vol.6, p.28.

men on guard duty ten dīnārs each.<sup>1</sup> The governor of <sup>C</sup>Irāq, Bishr b. <sup>C</sup>Abd al-Malik, once gave somebody ten thousand dirhams and thirty robes and also gave his sāhib al-shurṭa who was present a similar gift.<sup>2</sup> The shurṭa also received their food when they were on guard duty in the palace. The governor of <sup>C</sup>Irāq, Ziyād b. Abīhi gave dinner to his shurṭa every night.<sup>3</sup>

From these examples it seems that the caliphs and the governors were very generous with the sāhib al-shurṭa and the shurṭa. It was obviously important that this key group should be kept happy and loyal to the regime which they served.

#### 6.4 THE NUMBERS OF THE SHURṬA IN INDIVIDUAL CITIES IN THE Umayyad PERIOD

Each city had a number of shurṭa who were stationed in or near the governor's palace. It seems that before the Umayyad period the shurṭa did not exist in large numbers. According to Ṭabarī, when Ziyād b. Abīhi came to Basra as the governor and saw that no law and order existed in Basra, he immediately increased the number of the shurṭa force to four thousand men.<sup>4</sup> It would appear that Ziyād was the first governor to increase the number of the shurṭa in the province of Basra.

When Ziyād went to Kūfa as the governor he threatened the people that he would bring two thousand shurṭa from Basra with him.<sup>5</sup>

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1. Aghānī, vol.16, p.277.

2. Ansāb, vol.5, pp.173,177.

3. Ibid., vol.4A, p.210.

4. Ṭabarī, vol.5, p.222.

5. Ibid., p.235.

This indicates that the number of the shurṭa who had been stationed in the province of <sup>C</sup>Irāq was very large, probably because there were so many rebellious elements in <sup>C</sup>Irāq who took every opportunity to make trouble. In Kūfa the number of the shurṭa was also at least four thousand men. Ṭabarī relates that when Mukhtār al-Thaqafī rose up in rebellion, the governor of <sup>C</sup>Irāq sent his sāhib al-shurṭa with four thousand shurṭa to crush Mukhtār's revolt.<sup>1</sup>

In other provinces it appears that the number of shurṭa was rather less. According to Zubayr b. Bakkār, Marwān b. Ḥakam the governor of Medina in the time of Mu<sup>C</sup>āwiyā I, appointed Muṣ<sup>C</sup>ab b. <sup>C</sup>Abd al-Raḥmān as the sāhib al-shurṭa and two hundred shurṭa to guard the city.<sup>2</sup> Apparently the province of Medina was in a lawless state but with two hundred men the sāhib al-shurṭa was able to bring it under control. Medina was not a centre of political activity like <sup>C</sup>Irāq and so fewer shurṭa were needed to control the city because they were dealing with individual criminals rather than the large-scale revolts which happened in <sup>C</sup>Irāq.

When the army was on the move, it seems that there were large numbers of shurṭa in the military camps because, as mentioned before, when the governors organised their army into regiments according to tribes, the shurṭa had their own regiment with the sāhib al-shurṭa as their commander.<sup>3</sup> The sources do not, however, mention any precise numbers. In peace time the shurṭa had to guard the streets

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1. Ṭabarī, vol.6, p.23.

2. Zubayr b. Bakkār, op.cit., p.519.

3. Cf. p.115.



and look after the people inside the cities and so they patrolled the streets, apparently in very small numbers. Tanūkhī mentions an incident in which two shurṭīs were patrolling the streets and proclaiming the governor's orders to the people.<sup>1</sup>

So the number of the shurṭa in each province varied according to the political stability of the province. The largest number of shurṭa recorded in the sources is four thousand for <sup>C</sup>Irāq and the least is two hundred for Medina. One source, Dhahabī, records that the number of the shurṭa in the palace of the caliph <sup>C</sup>Umar b. <sup>C</sup>Abd al-<sup>C</sup>Azīz was three hundred.<sup>2</sup>

#### 6.5 THE KHALĪFA OF THE ṢĀHIB AL-SHURṬA

Most early sources mention the duties of the ṣāhib al-shurṭa and indicate that he was the second most important man in the province after the governor. Few of them mention, however, that the ṣāhib al-shurṭa had another official helping him who deputised for him if he was not on duty or was absent. It seems that this official was called the khalīfa (deputy) of the ṣāhib al-shurṭa. According to Abu'l-Faraj, it was the khalīfa who castrated mukhannaths, not the ṣāhib al-shurṭa himself.<sup>3</sup> This suggests that the ṣāhib al-shurṭa was not on duty or was absent and so the khalīfa carried out the order to castrate these people. According to Jāhīz, the governor Ḥajjāj sent the khalīfa of his ṣāhib al-shurṭa to lead a campaign

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1. Faraj, vol.2, p.124.

2. Tā'rīkh al-Islām, vol.4, p.173.

3. Aghānī, vol.4, p.276.



against the Zanj.<sup>1</sup> This man was the son of the sāhib al-shurṭa.<sup>2</sup> Presumably this office was usually occupied by someone the sāhib al-shurṭa could trust if he was absent and whom the governor would also accept as his most trusted man. Balādhurī, also mentions that in 66/685, when the Shiʿa revolted in Kūfa, the governor ʿAbdallāh b. Muṭīʿ sent his sāhib al-shurṭa with the shurṭa to crush the revolt but the sāhib al-shurṭa was killed in the battle and so the governor immediately appointed his son in his place.<sup>3</sup> These incidents suggest that often the son of the sāhib al-shurṭa was the khalīfa of the sāhib al-shurṭa so that he could deputise for him if he was absent or replace him if he was killed. In this way the governor wasted no time in choosing a trusted man for his sāhib al-shurṭa and when the son was the khalīfa he would learn his father's job and the duties of the sāhib al-shurṭa. The sources do not relate many details about the khalīfa's functions but because he was the deputy his duties were probably similar to those of the sāhib al-shurṭa.

#### 6.6 THE RELATIONSHIP BETWEEN THE SHURṬA AND THE PEOPLE, ESPECIALLY WITH POETS

As the guardians of authority within the Muslim community, the shurṭa were in contact with the people at every time of the day. The shurṭa received two kinds of response from the people. Sometimes

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1. Thalāth, p.65.

2. Ibid.

3. Ansāb, vol.5, p.224.

they enjoyed the praise of the people but on other occasions they were hated and it was the poets, who were the tongue of the people in Umayyad times, who expressed this hatred of authority in satirical verse. As a result, some poets were treated very harshly by the shurṭa. There are a number of examples in the sources which show the poets of this period criticising the shurṭa. For example, Abu 'l-Faraj relates that when the poet Farazdaq who satirised the governor of 'Irāq, Khālīd al-Qasrī, the latter ordered his sāhib al-shurṭa to arrest him. The sāhib al-shurṭa sent one of his shurṭa, Ayyūb, who was from the same tribe as Farazdaq. Ayyūb devised a trick by means of which he managed to arrest him. The poet made up this verse about the shurṭa:

١ فلو كنت فيسبياً إذا ما جئتني ومن زنجياً غليظاً مشافره

But after torture and imprisonment, Farazdaq made poems in praise of the governor and his sāhib al-shurṭa Mālīk, so that they would release him from prison:

٢ يا مال هل لك في كبر قد أتت تسعون فوق يديه غير قليل

Once released, it seems that Farazdaq had not learned his lesson because, according to Muḥammad b. Ḥabīb, in the time of Ziyād b. Abīhi, Farazdaq again satirised the sāhib al-shurṭa. Ziyād ordered his arrest but he escaped to Medina.<sup>3</sup>

1. Aghānī, vol.19, pp.23-4.

2. Ibid., p.24.

3. Muḥammad b. Ḥabīb, Dīwān, p.66.

According to another story set in Medina, in the time of Mu<sup>c</sup>āwiyā, while Marwān b. Ḥakam was governor the sāhib al-shurṭa was riding his camel when he met another nobleman riding his camel in the same road. The sāhib al-shurṭa hit the face of the nobleman's camel so that he could pass first whereupon a relative of the nobleman retaliated by hitting the face of the sāhib al-shurṭa and breaking his nose. Thereafter a fight almost broke out between the sāhib al-shurṭa's family and that of the nobleman. A poet attacked the sāhib al-shurṭa about this incident, saying:

لَقَدْ ظَهَرْنَا بِالْقَيْبِ مَصِيبًا      يَوْمَ كَسَرْنَا أَنْفَهُ لِبُفْضَا  
فَلَمْ نَجِدْ إِلَّا السَّلَامَ مَذْجَبًا      إِذَا مَشَتْ هَوْلِي عَدِي غَضَبًا

Sometimes the poets brought down the wrath of the shurṭa on their heads by their own immoral behaviour. When they received harsh punishments, they would publicise this in their poems. Conversely, the shurṭa clearly had no liking for poets. In another

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1. Ibn <sup>c</sup>Asākir, op.cit., vol.6, p.409. See also the attack made by the poet Ziyād al-A<sup>c</sup>jam on the sāhib al-shurṭa of the governor of Basra in the time of <sup>c</sup>Abdallāh b. Zubayr, who wrote:

فَأَنْ تَدَّ يَا عِبَادُ وَبَيْتَ شُرْطَةٍ      يَا سَنَ زَمَانِ صُرْتَ فِيهِ تَلَمُّ

Ansāb, vol.5, pp.277-78.

See also the lines pinned by a poet in the time of Marwān b. Muḥammad about the severity of the sāhib al-shurṭa, Maqātil, p.162.



incident mentioned by Abu 'l-Faraj, in the time of Ziyād b. Abīhi, the poet Farazdaq was sitting one day in a lane with no exit when two shurtīs passed by. One said to the other, 'Let's give Farazdaq a fright?' So they went towards Farazdaq who tried to escape and in his fear he tore his outer garment and his sandal.<sup>1</sup>

This fear of the shurṭa was shared by ordinary people. It was fear of the governor and his shurṭa that made a woman live with her old husband whom she wanted to leave. She tried to be patient with him and said:

2 والله لولا فتشية الامير  
وفتشية الشرطي والأتور  
تجلت بالشيخ من البقير  
كجولان صعبه عسير

It was not only ordinary people who were frightened of the shurṭa since this sentiment was shared by the nobility too. For example, Jāhiz relates that when <sup>C</sup>Abdallāh b. Ḥasan b. Ḥasan b. <sup>C</sup>Alī went to visit the caliph Ḥishām b. <sup>C</sup>Abd al-Malik in Damascus, he went immediately to the caliph's palace without changing his travel clothes because he was frightened of being arrested by the shurṭa.<sup>3</sup>

Most of the fuqahā' were against the shurṭa and tried to encourage dislike of the shurṭa amongst the people. For example, Ḥasan al-Baṣrī criticised the governors for using the shurṭa.<sup>4</sup>

1. Aghānī, vol.19, p.25.

2. Al-<sup>C</sup>Ajjāj, Diwān al-<sup>C</sup>Ajjāj (Berlin, 1903), p.77; Ibn Manzūr, op.cit., vol.9, p.202.

3. Ḥayawān, vol.4, p.47.

4. Mubarrad, vol.1, p.270.



Ibn Shabruma is recorded as criticising the sāhib al-shurṭa of the governor of <sup>C</sup>Irāq, Khālīd al-Qasrī, for the pomp and showiness of his processions (mawākib) through the streets.<sup>1</sup> Ibn Kathīr also relates that when Ḥasan al-Baṣrī saw some scholars (fuqahā') sitting in front of the governor's palace he criticised them saying, 'Your majlis is not the majlis of God-fearing people but the majlis of the shurṭa.'<sup>2</sup> No doubt such criticism of the shurṭa by the fuqahā' sprang from the feeling that the shurṭa were the agents of the government in power.

The widespread antagonism towards the shurṭa is revealed in proverbs such as the one quoted by Al-Tha<sup>C</sup>ālābī:

لا تعلم الأيتام أبكاء. لا تعلم الزماني التلصص ولا الشرطي التفتيش

'Do not teach orphans to cry. Do not teach Zuttī to thieve and do not teach shurṭa to search.'<sup>3</sup>

Al-Tha<sup>C</sup>ālābī also writes that according to some people two of the worst possible offences were: a mukhannath giving the call to prayer and a shurṭī praying at sunrise.<sup>4</sup>

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1. Māwardī, op.cit., p.40.

2. Kathīr, vol.9, p.269.

3. Al-Tha<sup>C</sup>ālābī, Kitāb Khāṣ al-Khāṣ (Beirut, 1966), p.24.

4. Ibid., p.77.

## Chapter 7

OTHER INTERNAL FORCES AND INSTITUTIONS AND  
THEIR RELATIONSHIP WITH THE SHURTA  
IN THE Umayyad Period

## Chapter 7

### OTHER INTERNAL FORCES AND INSTITUTIONS AND THEIR RELATIONSHIP WITH THE SHURTA IN THE Umayyad PERIOD

Although the shurta were the main internal peace-keeping force in the Umayyad period, there were other institutions which had different duties towards the authorities and the people. These included:

1. haras
2. non-Arab guards
3. al-ʿurafāʾ,
4. ṣāhib al-istikhrāj or ʿadhāb
5. mutawallī al-sūq.

Such forces or institutions as these enjoyed a good relationship with the shurta because each one of these was dealing with a broadly different area of internal affairs. Each of these institutions will be discussed in turn.

#### 7.1 HARAS

At the beginning of the Islamic period the word haras was used by the Muslims to describe any guard. As mentioned before, the Prophet himself had his own group of haras who were chosen from his companions.<sup>1</sup>

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1. Cf. p.16.

In the Rāshidūn period the word haras was used to refer to certain people who guarded certain places. For example, according to Abū Hanīfa, when the Muslim army besieged a Persian city, the city was guarded by the haras.<sup>1</sup> But in the Rāshidūn period haras was not organised as an institution and the Rāshidūn caliphs did not have their own bodyguards for their personal protection.

In the Umayyad period it seems that the haras was used as a bodyguard to protect the caliphs and the governors. As mentioned before, Mu<sup>C</sup>āwīya, the first Umayyad caliph, used the shurṭa as his protectors and bodyguard but some sources mention that he created and used haras for his protection.<sup>2</sup> Mas<sup>C</sup>ūdī also mentions that whenever Mu<sup>C</sup>āwīya sat in the mosque to administer justice haras stood near him to protect him.<sup>3</sup> Mu<sup>C</sup>āwīya was the first caliph to create and appoint a ṣāhib al-ḥaras, whose name was Abū Mukhtār.<sup>4</sup>

In Mu<sup>C</sup>āwīya's time the provincial governors also created haras as another force beside the shurṭa for their personal protection. The governor of <sup>C</sup>Irāq, Ziyād b. Abīhi was the first governor to create a haras force. According to Ṭabarī and Abū Hilāl al-<sup>C</sup>Askarī, Ziyād created five hundred men as a haras force and appointed a man from the tribe of Banū Sa<sup>C</sup>d as ṣāhib al-ḥaras.<sup>5</sup>

After Mu<sup>C</sup>āwīya, all the Umayyad caliphs appointed ṣāhib al-ḥaras,

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1. Abū Hanīfa, op.cit., p.138.

2. Ya<sup>C</sup>qūbī, vol.2, p.220; Ansāb, vol.4A, p.136.

3. Mas<sup>C</sup>ūdī, op.cit., vol.3, p.39.

4. Ibn Khayyāt, vol.1, p.276.

5. Ṭabarī, vol.5, p.224; Abū Hilāl al-<sup>C</sup>Askarī, op.cit., vol.2, p.38.



according to Ibn Khayyāt and Ya<sup>C</sup>qūbī. A few examples here should suffice. In the reign of the caliph <sup>C</sup>Abd al-Malik those who held the office of sāhib al-ḥaras were <sup>C</sup>Adī b. <sup>C</sup>Ayyāsh and Rayyān b. Khālīd.<sup>1</sup> The latter's son was the sāhib al-ḥaras of the caliph Walīd b. <sup>C</sup>Abd al-Malik.<sup>2</sup> Sulaymān b. <sup>C</sup>Abd al-Malik's sāhib al-ḥaras was Khālīd al-Dayyān.<sup>3</sup> The caliph Hishām's sāhib al-ḥaras was Rabī<sup>C</sup> b. Ziyād.<sup>4</sup> This indicates that the office of the sāhib al-ḥaras and the ḥaras existed throughout the Umayyad period. But what was their duty and what was their relationship with the shurṭa?

Because of the similarity between the shurṭa and the ḥaras some of the early historians confuse them. For example, Abu 'l-Faraj relates a story about the poet <sup>C</sup>Ammār who was beaten by the shurṭa whenever he drank wine until the caliph ordered the governor to tell the shurṭa that if they beat <sup>C</sup>Ammār forty lashes the shurṭa would receive eighty lashes, so no shurṭa dared to beat <sup>C</sup>Ammār. After that, Abu 'l-Faraj, instead of saying shurṭa<sup>5</sup> says that 'no ḥaras dared to beat <sup>C</sup>Ammār.' So it seems that he does not distinguish between shurṭa and ḥaras and uses the terms interchangeably. A similar confusion is shown by Kindī.<sup>6</sup>

In the Umayyad period the caliphs and governors are mentioned as using shurṭa and ḥaras as their bodyguards.<sup>7</sup> It is difficult

1. Ibn Khayyāt, vol.1, p.395.

2. Ibid., p.419.

3. Ya<sup>C</sup>qūbī, vol.3, p.44.

4. Ibid., p.70.

5. Aghānī, vol.20, p.175.

6. Kindī, p.83.

7. Ṭabarī, vol.5, p.149; Mas<sup>C</sup>ūdī, op.cit., vol.3, p.39.

to state whether in the Umayyad period the two offices covered one and the same set of responsibilities. Probably the shurṭa had wider duties than those of the ḥaras whose main function evolved into that of guarding the caliphs.

As for the ṣāḥib al-ḥaras, historians mention this or that caliph's ṣāḥib al-ḥaras, but they do not make clear what his exact role was, whereas when they mention the ṣāḥib al-shurṭa they are specific about his duties towards the caliphs or governors.

As the ṣāḥib al-shurṭa was the second man in the province after the governors, probably the ṣāḥib al-ḥaras was under his command. The latter's particular role was the guarding of the palace but probably he did not usually attend the caliph inside the court as the ṣāḥib al-shurṭa did. It appears that sometimes the ṣāḥib al-ḥaras was also the ḥājib (chamberlain) of the governor, which means that he waited in front of the governor's door and prevented anyone from entering.<sup>1</sup> This is in contrast to the ṣāḥib al-shurṭa whose duty was to be with the governor inside the room.

It has been shown that the ṣāḥib al-shurṭa often deputised for the governor or succeeded him but there is no instance of a ṣāḥib al-ḥaras doing this, which is another indication that the ṣāḥib al-shurṭa was more important and had wider duties than the ṣāḥib al-ḥaras.

It seems that there were a greater number of shurṭa than ḥaras; when the governor Ziyād appointed just five hundred men as ḥaras

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1. Ansāb, vol.5, pp.172-73.

in Basra the number of the shurṭa was four thousand. The sāhib al-shurṭa were always in the court whenever the caliph or the governor was present and it was the sāhib al-shurṭa who carried the lance and walked in front of the caliph or governor when outside the palace, but the sources do not mention the sāhib al-haras performing any of these duties.

In other words, the shurṭa were haras but haras were not shurṭa; Jāhīz quotes a line of poetry which goes as follows:

كانه شرطي بات في حرس

'As if he was a shurṭi spending the night in  
harasi (guarding).'<sup>1</sup>

## 7.2 NON-ARAB GUARDS

Before the Umayyad period, certain foreigners (known variously in the sources as asāwira, al-sayyābija and al-zuṭṭa) were to be found amongst those guarding the bayt al-māl<sup>2</sup> in Basra. According to Balādhurī, the asāwira were Persians.<sup>3</sup> Al-Sayyābija and al-zuṭṭa on the other hand, apparently came from India.<sup>4</sup>

In the Umayyad period, it seems that foreign guards were used by some governors for their personal protection and to crush revolts. These foreign guards were known as al-Bukhāriyya.

1. Hayawān, vol.3, p.158.

2. Futūh, pp.367-69.

3. Ibid., pp.366-68.

4. Ibid., p.368.



According to Balādhurī,<sup>1</sup> the governor of Khurāsān, ʿUbaydallāh b. Ziyād captured a great number of the people of the city of Bukhārā and settled them in Basra. ʿUbaydallāh gave them the same pay as was given to the Arab tribes, especially when he became the governor of ʿIrāq.<sup>2</sup> Balādhurī relates that when the Khārijites revolted in ʿIrāq, the governor ʿUbaydallāh used al-Bukhāriyya beside the shurṭa to crush their revolt.<sup>3</sup> Ibn Saʿd however mentions that al-Bukhāriyya were used earlier by ʿUbaydallāh's father Ziyād when he was the governor of ʿIrāq. Ibn Saʿd adds that Ziyād used al-Bukhāriyya, beside the shurṭa, to crush the revolt of the Shiʿa under the leadership of Hujr al-Kindī.<sup>4</sup>

It is possible that when the Muslims campaigned into Turkish territory the prisoners whom they captured and brought back to ʿIrāq were used as special guards alongside the shurṭa. Balādhurī cites the example of the governor of Khurāsān, Saʿīd b. ʿUthmān, who was appointed by Muʿāwiya after the dismissal of ʿUbaydallāh b. Ziyād. When Saʿīd entered the city of Bukhārā he took a number of prisoners and when he was dismissed from the governorship he took them to Medina and set them to work in his garden as labourers. Because Saʿīd did not use these Bukhāriyya as guards or in other military posts as the other governors of ʿIrāq had

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1. Ibid., p.369.

2. Ibid., p.401.

3. Ansāb, vol.4A, p.154.

4. Tabaqāt, vol.6, p.219.



done, they decided to kill Sa<sup>C</sup>īd when he went into the garden. This they did.<sup>1</sup> Balādhurī also relates that al-Bukhāriyya were very skilful with the bow and arrow,<sup>2</sup> but that they were not always obedient to the governor. According to Balādhurī, when the caliph Yazīd I died, none of the people of <sup>C</sup>Irāq would accept the authority of <sup>C</sup>Ubaydallāh b. Ziyād and attempts were made to kill him. <sup>C</sup>Ubaydallāh asked the help of al-Bukhāriyya but they refused to help him against the people of Baṣra.<sup>3</sup>

It seems that not only the governors used al-Bukhāriyya as guards but they were also found in the service of the nobility. In the city of Baṣra, for example, the son of <sup>C</sup>Abdallāh b. <sup>C</sup>Āmir the former governor of <sup>C</sup>Irāq, used al-Bukhāriyya as their personal bodyguards.<sup>4</sup>

### 7.3 AL-<sup>C</sup>URAFĀ'

The term <sup>C</sup>arīf denotes a person who organises or directs.<sup>5</sup> According to the sources an <sup>C</sup>arīf was an official appointed by the governor. According to Ibn Sa<sup>C</sup>d, when the governor of <sup>C</sup>Irāq, Hajjāj, put down the revolt of Ibn al-Ash<sup>C</sup>ath (82/701) he reproached the scholar al-Sha<sup>C</sup>bī for having supported Ibn al-Ash<sup>C</sup>ath in his revolt. Hajjāj said to him, 'I appointed you as <sup>C</sup>arīf for your

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1. Futūh, pp.401-3.

2. Ansāb, vol.4A, p.154.

3. Ibid., vol.4B, p.102.

4. Ibid., p.105.

5. Lūīs Ma<sup>C</sup>lūf, Al-Munjid fi'l Lughā (Beirut, 1966), p.498.

people but you are not worthy of the office.<sup>1</sup> Ibn Sa<sup>c</sup>d mentions a letter which was sent by the caliph <sup>c</sup>Umar b. <sup>c</sup>Abd al-<sup>c</sup>Azīz to the governor of <sup>c</sup>Irāq, saying

'The <sup>c</sup>urafā' have high-ranking positions in their tribes so investigate these <sup>c</sup>urafā' of the army (jund).<sup>2</sup> Confirm in his office anyone whose loyalty to us and to his people you can trust, but if any of these <sup>c</sup>urafā' are not loyal you should replace them.<sup>3</sup>

From these examples it appears that the governor appointed an <sup>c</sup>arīf for each tribe. The duty of the <sup>c</sup>arīf was to represent his tribe and he was responsible for payments made to his people.<sup>4</sup> He also watched over the loyalty of his tribe, seeking out anyone who was doing wrong or planning revolt and reporting back to the governors so that they could take action.<sup>5</sup>

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1. Ṭabaqāt, vol.6, p.249.

2. The army was divided into tens. Each ten was to be under the charge of a man of their own people and known as al-<sup>c</sup>arīf. Levy, op.cit., vol.2, p.295. According to Ṭabarī, the <sup>c</sup>urafā' existed in the time of the caliph <sup>c</sup>Umar b. <sup>c</sup>Khattāb. Before the battle of Qādisiyya the governor appointed one hundred <sup>c</sup>arīf and when the governor paid out the stipends he gave the money to the amīr al-asbā<sup>c</sup> and these people gave it to the <sup>c</sup>arīf to give to their people. Ṭabarī, op.cit., ser.1-5, p.2496.

3. Ṭabaqāt, vol.5, p.396.

4. Ṭabarī, ser.1-5, p.2496.

5. Ansāb, vol.4B, p.7; Nuwayrī, vol.20, p.391.

In times of unrest in the city the ʿurafāʾ were summoned to the grand mosque. Ṭabarī reports that when Muslim b. ʿAqīl revolted, the governor of ʿIrāq ordered all the shurṭa and ʿurafāʾ to come to the grand mosque immediately.<sup>1</sup> Similarly, Abuʾl Faraj mentions that when Zayd b. ʿAlī revolted in Kūfa, the governor ordered all the people, the ʿurafāʾ and the shurṭa to come to the grand mosque.<sup>2</sup> It appears that the people of Kūfa entered the mosque first, followed by the ʿurafāʾ who then counted their people. If anyone was missing they told the governor who then inferred that such absentees must be with the rebels.

The ʿarīf had other responsibilities towards his people. Balādhurī mentions that ʿUbaydallāh b. Ziyād ordered the imprisonment of a poet because he had satirised the Umayyads. The poet asked to be released and said that his ʿarīf would stand bail for him, so the governor let him go. The poet fled from the city however, and the governor imprisoned his ʿarīf instead.<sup>3</sup>

Because the ʿarīf was asked to keep an eye on the people and report anything suspicious to the government, the people did not like the holders of this office, treating them in a similar way to the shurṭa. For example, Ibn Saʿd mentions that the people did not like to sit in the mosque with the ʿurafāʾ just as they did not like sitting with the shurṭa<sup>4</sup> and they probably put them

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1. Ṭabarī, vol.5, p.372.

2. Maqātil, p.136.

3. Ansāb, vol.4B, p.7.

4. Tabaqāt, vol.6, p.273.



in the same category as the agents of the Umayyads. Abu'l Faraj mentions the story of a man who was an Carīf in the governorship of Ziyād. On one occasion the man was sitting with the people when someone mentioned that the prophet David had said that God would forgive every believer but he would not forgive an Carīf. When the Carīf heard this he sent for the governor Ziyād and asked to be allowed to resign.<sup>1</sup> In spite of the unpopularity of the office, however, many prominent people were appointed to it. Indeed, Ibn Sa<sup>c</sup>d mentions in his Tabaqāt the names of many people who became an Carīf.<sup>2</sup>

It is quite likely that the office of Carīf was exploited to the full by the Umayyad authorities. The Carīf was not only responsible for keeping an eye on the activities of the tribes and reporting back to the governors, who had appointed them in the first place for their known loyalty. The office of Carīf was also, most probably, a useful device for keeping in check the power of the tribal chiefs themselves. The Carīf reported directly to the governor and could by-pass the chief of the tribe. The Carīf was, therefore, a very useful government instrument for the shurṭa and the Umayyad government in their attempts to control the tribes.

#### 7.4 SĀHIB AL-ISTIKHRĀJ OR CADHĀB

In the Umayyad period the torture of political enemies of the state

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1. Aghānī, vol.18, p.159.

2. Tabaqāt, vol.6, pp.307,249,146; vol.7, p.151.



was usually carried out by the shurṭa, as mentioned before.<sup>1</sup> However, it appears that in the early days of the Umayyads a kind of institution was created to obtain money from any official who had embezzled government funds. In the sources the name of the official who was responsible for torturing any official who was accused of embezzlement is given as ṣāḥib al-istikhrāj. According to Ibn Qutayba, this institution began in the time of Ziyād b. Abīhi. Ziyād warned his officials when he appointed them to any job, telling them if it became known that any of them were not honest they would be dismissed and if it became known that anyone had acted treacherously, that person would be punished and would have money taken from him.<sup>2</sup> It seems that the name of the official who was responsible for this latter task was ṣāḥib al-istikhrāj.<sup>3</sup>

Many historians mention incidents in which the governor used this institution to extract money from those officials who had fallen from favour. For example, the governor of <sup>C</sup>Irāq, <sup>C</sup>Ubaydallāh b. Ziyād dismissed a man called <sup>C</sup>Abd al-Rahmān from office, extracting from him two hundred thousand dirhams.<sup>4</sup> Likewise, <sup>C</sup>Ubaydallāh heard that another man had embezzled one hundred thousand dirhams so the governor obtained that money from him too.<sup>5</sup>

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1. Cf. p.119.

2. Cuyūn, vol.1, p.55.

3. Bayān, vol.2, pp.166-67.

4. Ansāb, vol.4B, p.9.

5. Ibid., p.81.

The governor Hajjāj also used this method to extract money from those who had embezzled it. For example, Ibn Qutayba mentions that Hajjāj obtained one hundred thousand dirhams from Hamrān b. Abān after torture.<sup>1</sup> Ibn Qutayba also reports that Hajjāj abused the system by ordering the istikhrāj of money by torture from the richest mawlā in <sup>C</sup>Irāq, whose name was Fīrūz. Ibn Qutayba adds that Hajjāj ordered Fīrūz to reveal how much money he had and when Fīrūz refused Hajjāj ordered him to be tortured until he died.<sup>2</sup>

Ibn <sup>C</sup>Abd al-Rabbihi relates an interesting story about Hajjāj ordering one of his men to extract money and torture a man, who was one of the People of the Book. The man who was responsible for the istikhrāj of the money did not use torture and the dhimmī voluntarily gave up in one week five hundred thousand dirhams.<sup>3</sup> If the dhimmī had been tortured, he said he would not have relinquished any of the money.

In particular, it seems that a new governor would use the method of istikhrāj to obtain money from his predecessor in the office. For example, according to Ibn al-A<sup>C</sup>tham the new governor of <sup>C</sup>Irāq, Yusūf b. <sup>C</sup>Umar, in 125/742, tortured an official of the former governor.<sup>4</sup>

A variety of forms of torture would be used. For example,

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1. Ma<sup>C</sup>ārif, p.436.

2. Ibid., p.337; Mubarrad, vol.3, pp.352-53. See also an incident concerning the governor of Medina, Aghānī, vol.15, pp.5-6.

3. Ibn <sup>C</sup>Abd al-Rabbihi, op.cit., vol.5, p.311.

4. Ibn al-A<sup>C</sup>tham, vol.8, p.108.

they beat men's hands and feet and after that put them on a donkey and took the victim round the streets.<sup>1</sup> According to Ibn Qutayba, they cut reeds and after that they put them around the man and pulled them tightly. The reeds cut into the man's body, and after that vinegar mixed with salt was poured into his wounds.<sup>2</sup>

The word ḥadhāb (torture) occurs often in the sources in connection with the ṣāhib al-istikhrāj. Such methods could also be applied to women. For example, Ḥajjāj ordered money from the wife of his enemy Ḥabd al-Rahmān b. al-Ashḥath after his defeat.<sup>3</sup>

#### 7.5 MUTAWALLĪ AL-SŪQ

This was an official already active in Umayyad times in the markets.<sup>4</sup> For example, according to Abu'l Faraj, a certain Burdān was the mutawallī al-sūq in Medina when one day a man came to him and asked for his help against another man with whom he had a dispute. Burdān gave judgement in their case and ordered one of them to be imprisoned.<sup>5</sup> From this incident it seems that a mutawallī al-sūq could judge and imprison wrongdoers. He also, according to Abu'l Faraj, had assistants to

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1. Ibn Ḥabd al-Rabbihi, op.cit., vol.5, p.311.

2. Maḥārif, p.337.

3. Rāghib al-Isfahānī, op.cit., vol.4, p.710.

4. Aghānī, vol.8, p.277.

5. Ibid.

help him in his job.<sup>1</sup> The mutawallī al-sūq was probably appointed by the governor. According to Ibn Wakī<sup>C</sup>, the city of Wāsiṭ, in the governorship of Yusūf b. ʿUmar, 120-126/737-45, had a mutawallī al-sūq.<sup>2</sup> Ibn Wakī<sup>C</sup> adds that the governor tried to appoint Iyās b. Mu<sup>C</sup>āwiya as a mutawallī al-sūq, but he refused, so the governor ordered Iyās to be whipped.<sup>3</sup>

This office is very similar to the institution of muhtasib which was created in the ʿAbbāsid period with responsibility for the market and with the job of al-amr bi'l ma<sup>C</sup>rūf wa'l-nahy ʿan al-munkar.<sup>4</sup> The mutawallī al-sūq was responsible for looking at the merchandise of the shops and it is likely that if any of this merchandise was fraudulent or in bad condition he could order the arrest of that merchant as the muhtasib did in later times.<sup>5</sup>

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1. Ibid., vol.19, pp.1-3-34.

2. Ibn Wakī<sup>C</sup>, op.cit., vol.1, pp.352-53.

3. Ibid.

4. According to Ibn Sa<sup>C</sup>d, a man called ʿAwam b. Hawshab was responsible for أمر بالمعروف ونهي عن المنكر at the end of the Umayyad period, op.cit., vol.7, p.311.

5. Farrā', op.cit., pp.284-86.



## Chapter 3

THE BIOGRAPHIES OF THE MOST FAMOUS HOLDERS OF THE  
OFFICE OF SĀHIB AL - SHURṬA IN THE Umayyad Period

## Chapter 8

### THE BIOGRAPHIES OF THE MOST FAMOUS HOLDERS OF THE OFFICE OF SĀHIB AL-SHURṬA IN THE Umayyad PERIOD

In this chapter we will deal with the biographies of some of the best-known of the sāhib al-shurṭa who played very important roles in this period. Some of these men became famous governors in the Umayyad administration and helped the Umayyads to rule some of the most important provinces like <sup>ʿ</sup>Irāq and Egypt. Others were appointed as both qādī and sāhib al-shurṭa at the same time so they held the most important jobs after the governors. Some of them were very close to particular Umayyad caliphs whom they served well but they were not loyal to subsequent caliphs and tried to bring them down. It appears that the most famous of the sāhib al-shurṭa were the following:

1. Muṣ<sup>ʿ</sup>ab b. <sup>ʿ</sup>Abd al-Raḥmān
2. Daḥḥāk b. Qays
3. <sup>ʿ</sup>Amr b. Sa<sup>ʿ</sup>īd
4. Ḥajjāj b. Yūsuf
5. Bilāl b. Abī Burda
6. Ḥafṣ b. Walīd.

#### 8.1 MUṢ<sup>ʿ</sup>AB B. <sup>ʿ</sup>ABD AL-RAḤMĀN

Muṣ<sup>ʿ</sup>ab b. <sup>ʿ</sup>Abd al-Raḥmān b. <sup>ʿ</sup>Awf was from the Banū Zuhra from the

tribe of Quraysh and his kunya was Abū Zurāra.<sup>1</sup> His father was ʿAbd al-Rahmān b. ʿAwf, the famous Companion of the Prophet. ʿAbd al-Rahmān was one of the six men who were appointed as the shūra by the caliph ʿUmar b. al-Khaṭṭāb to elect one of themselves as caliph after ʿUmar's death.<sup>2</sup> According to Ibn Saʿd, Muṣʿab's mother was a captive from Bahraʾ from the tribe of Qudāʿa.<sup>3</sup> So she was a slave and her name was Umm Hurayth.<sup>4</sup> The sources do not mention Muṣʿab's birthplace but it is probable that he was born in Medina since his father had followed the Prophet there.

Muṣʿab's early life is not discussed very much in the sources but Zubayr b. Bakkar mentions that Muṣʿab had personal enemies and that one day he killed one of his enemies, called Ismāʿīl b. Habbār, by a trick.<sup>5</sup> It seems that the government did not prove that Muṣʿab killed Ismāʿīl although the case reached the caliph Muʿāwiyah.<sup>6</sup> Historians concentrate on Muṣʿab's life when he became sāhib al-shurṭa. When Marwān b. al-Hakam was in his second term of office as governor of Medina, he appointed Muṣʿab b. ʿAbd al-Rahmān as his sāhib al-shurṭa.<sup>7</sup> According to Ibn Wakīʿ, Muṣʿab was appointed

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1. Ṭabaqāt, vol.5, p.157.

2. Yaʿqūbī, vol.2, p.150.

3. Ṭabaqāt, vol.5, p.157.

4. Ibid.

5. Zubayr b. Bakkar, op.cit., pp.515-16.

6. Ibid., pp.516-17.

7. Ibid.; Ṭabaqāt, vol.5, p.158.

in 53 or 54 A.H.<sup>1</sup> When Marwān saw that the authority of the government was weakened with the people killing each other and criminals going unpunished, he chose Muṣ<sup>C</sup>ab for the office of sāhib al-shurṭa to deal with these crimes.<sup>2</sup>

In his first day in office Muṣ<sup>C</sup>ab realised that he could not control the city of Medina with its own people so he asked the governor to bring in some men from another city, so Marwān brought men from the city of Ailla<sup>3</sup> for him.<sup>4</sup> After that, Muṣ<sup>C</sup>ab used very tough methods against the people of Medina. For example, he whipped anyone who did wrong and demolished their houses and imprisoned anyone who went out at night.<sup>5</sup> As a result of these methods the people complained to the governor about Muṣ<sup>C</sup>ab's harshness,<sup>6</sup> so Marwān tried to dismiss him. One of the noblemen, however, advised Marwān not to dismiss Muṣ<sup>C</sup>ab because if he was using harsh methods with the people, he was doing so to make them obey law and order and become peaceable.<sup>7</sup> So Marwān did not dismiss Muṣ<sup>C</sup>ab. It appears, however, that Marwān did dismiss the qādī, who was the brother of Muṣ<sup>C</sup>ab, and appointed Muṣ<sup>C</sup>ab to his office as well as that of sāhib al-shurṭa.<sup>8</sup>

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1. Wakī<sup>C</sup>, vol.1, p.118.

2. Muṣ<sup>C</sup>ab al-Zubayrī, op.cit., p.268; Wakī<sup>C</sup>, vol.1, p.118.

3. Ailla was a port on the Red Sea and it was near the port of <sup>C</sup>Aqaba. Tūtal, al-Munjid (Beirut, 1966), part two, p.52.

4. Zubayr b. Bakkār, op.cit., p.517.

5. Ibid., p.517; Muṣ<sup>C</sup>ab al-Zubayrī, op.cit., p.268.

6. Wakī<sup>C</sup>, vol.1, p.118.

7. Ibid., p.119.

8. Ṭabaqāt, vol.5, p.158.



Muṣṣab had other troubles in his days as the sāhib al-shurṭa and qādī. According to Zubayr b. Bakkār, Muṣṣab had very bad disputes with another branch of Quraysh which was called the Banū ḌAdī. The story was told that a man called Sukhayr b. Abī Jahm slapped the face of Muṣṣab and Muṣṣab tried to retaliate but he could not do it because Sukhayr's relations came to help him. So there was tension between the two branches of Quraysh, Muṣṣab's Banū Zuhra and Sukhayr's Banū ḌAdī. When the caliph MuḌāwiya came to Medina on a pilgrimage, some people of the Banū ḌAdī tried to make MuḌāwiya mediate between them and Muṣṣab, but Muṣṣab refused the caliph's mediation. So the Banū ḌAdī went to the governor Marwān and asked him to mediate between them, which he did and Muṣṣab accepted the governor's mediation.<sup>1</sup> MuḌāwiya was angry at this and asked Muṣṣab for an explanation. Muṣṣab said to him,

'When Marwān appointed me he spoiled me (with power) but his mediation has restored everything to right again, so I accepted his mediation and thanked him.'

MuḌāwiya accepted his view.<sup>2</sup>

Muṣṣab remained sāhib al-shurṭa until the caliph MuḌāwiya died in 60/679.<sup>3</sup> When Yazīd b. MuḌāwiya became caliph, he changed

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1. Zubayr b. Bakkār, op.cit., p.518.

2. Ibid., pp.518-19.

3. WakīḌ, vol.1, p.119.

the governor of Medina and appointed ʿAmr b. Saʿīd to that office and ordered him to demand homage from the noble people of Medina. The governor ordered his ṣāhib al-shurṭa, Muṣʿab, to demolish the houses of the Banū Hāshim and the Banū Asad,<sup>1</sup> because they had refused to pay homage to the caliph Yazīd.<sup>2</sup> Muṣʿab refused to obey the governor's order so the governor dismissed him.<sup>3</sup> It seems that Muṣʿab refused to be tough with these two branches of the tribe of Quraysh because, firstly, he himself was from the Quraysh and so he did not like to harm his fellow tribesmen, and secondly, he himself probably did not like Yazīd becoming caliph. When Muṣʿab saw that his link with the Umayyads had been cut off, he escaped from Medina and went to Mecca where he supported ʿAbdallāh b. Zubayr in his struggle against the Umayyads.<sup>4</sup> When Muṣʿab went to Mecca, the governor of Medina immediately appointed one of his own relatives (who was a half-brother of ʿAbdallāh b. Zubayr) as ṣāhib al-shurṭa.<sup>5</sup> The governor sent his ṣāhib al-shurṭa as commander of the army to attack Mecca and to bring ʿAbdallāh b. Zubayr and his followers as prisoners back to Medina.<sup>6</sup> When ʿAbdallāh b. Zubayr heard about the Umayyad army he sent Muṣʿab b. ʿAbd al-Raḥmān against it with another army. When the two

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1. ʿAbdallāh b. Zubayr's branch of the Quraysh tribe.

2. Muṣʿab al-Zubayrī, op.cit., p.268.

3. Ibid.

4. Ṭabaqāt, vol.5, p.158.

5. Ansāb, vol.4B, pp.23-24.

6. Ṭabarī, vol.5, p.346.

armies fought each other, Muṣṣab defeated the Umayyads and captured their commander ḌAmr b. Zubayr.<sup>1</sup>

Muṣṣab played a great role in defending ḌAbdallāh b. Zubayr. Ibn SaḌd mentions that Muṣṣab fought the Syrian army which besieged the city of Mecca. According to Ibn SaḌd, when the Medinan army was defeated by Muṣṣab, the city of Medina itself did not accept the authority of the caliph Yazīd and refused to give him their homage. So Yazīd sent an army from Syria to punish the city and afterwards to attack ḌAbdallāh b. Zubayr in Mecca.<sup>2</sup> This army succeeded in defeating and punishing the people of Medina but when they reached Mecca ḌAbdallāh b. Zubayr defended the city and so the Umayyads besieged it.<sup>3</sup> This was known as the first siege of Mecca.<sup>4</sup> In this siege Muṣṣab played a major role. Ibn SaḌd describes Muṣṣab fighting and killing five Syrians at the same time. When he finished fighting his sword was bent.<sup>5</sup> Muṣṣab fought in this battle until he was killed.<sup>6</sup> According to Ibn Qutayba, Muṣṣab died in the battle but was not killed by the sword.<sup>7</sup> It seems that in Ibn SaḌd's version

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1. Ansāb, vol.4B, p.26.

2. Ibid., pp.145-47.

3. Ibid., p.46.

4. Ibid.

5. Ṭabaqāt, vol.5, pp.158-60.

6. Ansāb, vol.4B, p.50.

7. MaḌārif, p.239.

Muṣṣab was wounded by a stone and that he died afterwards.<sup>1</sup>  
He died in 64/683.

Muṣṣab's personal character was very brave and strong.  
According to Ibn Qutayba, the caliph ʿAbd al-Malik asked a  
Syrian cavalier who was the fiercest knight he had ever met.  
The cavalier said that such a man was Muṣṣab b. ʿAbd al-Raḥmān.<sup>2</sup>  
Muṣṣab played an important role in the first stage of ʿAbdallāh  
b. Zubayr's revolt against Yazīd. According to Ibn Saʿd,  
ʿAbdallāh b. Zubayr did not call himself caliph and did not ask  
people to give him homage as caliph until after Muṣṣab b. ʿAbd  
al-Raḥmān and al-Miswar b. Makhrama had died.<sup>3</sup> Muṣṣab was a  
very powerful man. He himself may well have been ambitious  
for the caliphate like ʿAbdallāh b. Zubayr but he died before  
he had the opportunity to seize power.

## 8.2 DAHHĀK B. QAYS

Dahhāk b. Qays b. Khālīd al-Akbar b. Thaʿlaba from the Banū Fihri  
was from the tribe of Quraysh.<sup>4</sup> His kunya was Abū Anīs or Abū  
ʿAbd al-Raḥmān.<sup>5</sup> His mother was called Umayma, daughter of  
Rabīʿa.<sup>6</sup> According to Ibn Saʿd, Dahhāk was a boy at the time

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1. Ibn Saʿd, op.cit., vol.5, p.160.

2. Maʿārif, p.238.

3. Ṭabaqāt, vol.5, p.160.

4. Ibid., vol.7, p.410; Uṣd, vol.3, p.37.

5. Ibid.

6. Ibid.



of the Prophet's death, and he had been in the company of the Prophet and listened to him.<sup>1</sup> Ibn al-Athīr, however, says that he could not have been a Companion of the Prophet because he was born only seven years before the Prophet's death and so he was too young to have listened to him.<sup>2</sup> Ibn Ḥazm agrees with Ibn Saʿd that Ḍaḥḥāk was a Companion of the Prophet.<sup>3</sup>

Ḍaḥḥāk's early life is not discussed in the sources but it appears that towards the end of the caliphate of ʿUthmān he began to be involved in politics. When ʿUthmān was killed, Ḍaḥḥāk took Muʿāwiyah's side against ʿAlī b. Abī Ṭālib. According to Ṭabarī, before the battle of Ṣiffīn began, Muʿāwiyah organised his army and appointed commanders for each division, and Ḍaḥḥāk was appointed to lead the people who were fighting on foot.<sup>4</sup> From this incident it seems that Ḍaḥḥāk played an important role in supporting Muʿāwiyah against ʿAlī and was a very well known figure among the people, especially in his tribe Quraysh. Ḍaḥḥāk was not only chosen to command in the battle of Ṣiffīn. When that battle was over and each side had withdrawn to their capitals, Muʿāwiyah decided in 39/659 to attack ʿAlī's territory and he appointed Ḍaḥḥāk as a commander of an army to attack ʿAlī and take booty from his people.<sup>5</sup> When Ḍaḥḥāk attacked ʿAlī's territory,

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1. Ṭabaqāt, vol.7, p.410.

2. Usd, vol.3, p.37.

3. Ibn Ḥazm, Jamharat Ansāb al-ʿArab (Cairo, 1971), p.178.

4. Ṭabarī, vol.5, p.12.

5. Ibid., p.135; Yaʿqūbī, vol.2, p.185.

he took booty, killed a number of people and caused great damage to the territory of <sup>C</sup>Irāq until <sup>C</sup>Alī sent an army against him.<sup>1</sup> According to Ṭabarī, Ḍaḥḥāk fought <sup>C</sup>Alī's army but escaped at night and did not continue the fight.<sup>2</sup>

It seems that Ḍaḥḥāk was strongly opposed to <sup>C</sup>Alī b. Abī Ṭālib and that he did everything he could to support Mu<sup>C</sup>āwīya. According to Ṭabarī, whenever <sup>C</sup>Alī prayed at morning prayer, he asked God to curse Mu<sup>C</sup>āwīya, and <sup>C</sup>Amr b. al-<sup>C</sup>Aṣ and Ḍaḥḥāk b. Qays.<sup>3</sup> It appears that Ḍaḥḥāk remained a supporter of Mu<sup>C</sup>āwīya until the latter became caliph. Thereafter, Ḍaḥḥāk received his reward for in 55/674 Mu<sup>C</sup>āwīya appointed him as the governor of Kūfa.<sup>4</sup> In his governorship of Kūfa, the city remained very quiet until Mu<sup>C</sup>āwīya removed him from office in 58/677 and appointed his nephew in Ḍaḥḥāk's place.<sup>5</sup> After that, Ḍaḥḥāk was appointed as the sāḥib al-shurṭa of the caliph Mu<sup>C</sup>āwīya.<sup>6</sup> Probably it was because of Ḍaḥḥāk's faithfulness that Mu<sup>C</sup>āwīya appointed him as his sāḥib al-shurṭa so he could be with him and protect him. When Mu<sup>C</sup>āwīya was on his death bed, his son Yazīd was not with him and so Mu<sup>C</sup>āwīya sent for his sāḥib al-shurṭa,

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1. Ibid.; Ya<sup>C</sup>qūbī, vol.2, p.184.

2. Ibid.

3. Ibid, p.71.

4. Ibid., p.300.

5. Ibid., p.309.

6. Ibid., p.323.

Ḍaḥḥāk, and told him that he should tell Yazīd his will.<sup>1</sup> When Mu<sup>c</sup>āwīya died, Ḍaḥḥāk took over as acting ruler until Yazīd came to Damascus. So it was Ḍaḥḥāk who led the prayer over the body of Mu<sup>c</sup>āwīya before his burial.<sup>2</sup>

Ḍaḥḥāk controlled the city of Damascus very well until Yazīd came and took over as caliph. As sāḥib al-shurṭa, Ḍaḥḥāk sent a letter to Yazīd when Mu<sup>c</sup>āwīya died asking him to return to the capital.<sup>3</sup> Ḍaḥḥāk also stood beside Yazīd when he addressed the people for the first time as caliph in the mosque and according to Ibn <sup>c</sup>Abd Rabbihi, he took his place under the minbar (pulpit) when Yazīd climbed into it.<sup>4</sup>

It appears that Ḍaḥḥāk was responsible for receiving homage on behalf of Yazīd when he was not in the capital.<sup>5</sup> Ḍaḥḥāk served the new caliph as he had served his father but it seems that he did not hold such an important office as he did in Mu<sup>c</sup>āwīya's time and that he was dismissed as the sāḥib al-shurṭa when Yazīd opted to have a sāḥib al-shurṭa of his own choice, who was his uncle whose name was Ḥumayd b. Bahdal.<sup>6</sup> When the caliph Yazīd b. Mu<sup>c</sup>āwīya died, Ḍaḥḥāk also played a role in appointing the new

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1. Ibid.

2. Ibid., p.328; Ibn <sup>c</sup>Abd Rabbihi, op.cit., vol.5, p.136.

3. Ṭabarī, vol.5, p.328.

4. Ibn <sup>c</sup>Abd Rabbihi, op.cit., vol.5, p.136.

5. Iṣāba, vol.2, p.541.

6. Ibn <sup>c</sup>Abd Rabbihi, op.cit., vol.5, p.137.



caliph. Ṭabarī and Ibn Sa<sup>C</sup>d relate that Dahhāk sent a letter to another nobleman asking him not to elect another caliph before Dahhāk and his followers in Damascus had done so.<sup>1</sup>

After Mu<sup>C</sup>āwīya, the son of Yazīd, was elected caliph, Dahhāk still remained loyal to the family of Mu<sup>C</sup>āwīya b. Abi Sufyān. When Mu<sup>C</sup>āwīya b. Yazīd died, after only two months as caliph, he ordered Dahhāk on his death-bed to lead the prayers until the people elected a new caliph.<sup>2</sup> So Dahhāk led the prayers and occupied the palace while the tribes of Syria could not agree on the appointment of a new caliph. At that time <sup>C</sup>Abdallāh b. Zubayr was calling himself a caliph in Hijāz and the tribes of Syria were divided between the sons of Yazīd and <sup>C</sup>Abdallāh b. Zubayr.<sup>3</sup>

In Damascus Dahhāk began to change his mind about the Umayyads, probably because Yazīd's sons were so young and were under the control of their uncle Ḥassān b. Baḥdal al-Kalbī who was the leader of Kalb. Whatever his reasons may have been, Dahhāk changed his allegiance and according to Ṭabarī was in secret communication with <sup>C</sup>Abdallāh b. Zubayr. He could not, however, let this be known because he was surrounded by Umayyad supporters.<sup>4</sup> Later, when support for <sup>C</sup>Abdallāh had grown, he gave him his homage.<sup>5</sup>

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1. Ṭabarī, vol.5, p.504; Tabaqāt, vol.7, p.410.

2. Ibn <sup>C</sup>Abd Rabbihi, op.cit., vol.5, p.132.

3. Ibid., p.135.

4. Ṭabarī, vol.5, p.532.

5. Ibid., p.534.



The Syrians were divided into two parties, one with the Umayyads led by Marwān b. Ḥakam, who was afterwards chosen by the Umayyads and the Kalb tribe to be caliph with Yazīd's son Khālīd as his successor.<sup>1</sup> Dahhāk gathered his army from the Qays tribes and met the Umayyad army supported by the Yemen tribes in a place called Marj al-Rahit. In the battle in 64/683,<sup>2</sup> Dahhāk's army was defeated and Dahhāk himself was killed.

### 8.3 <sup>C</sup>AMR B. SA<sup>C</sup>ĪD

<sup>C</sup>Amr b. Sa<sup>C</sup>īd b. al-<sup>C</sup>Ās b. Umayya b. <sup>C</sup>Abd Shams from the Banū Umayya was from the tribe of Quraysh.<sup>3</sup> His kunya was Abū Umayya and he was given the nickname al-Asdaq.<sup>4</sup> His father Sa<sup>C</sup>īd was a nobleman and well-known in the sources. According to these sources, several caliphs appointed Sa<sup>C</sup>īd to many important positions. For example, he was appointed by the caliph <sup>C</sup>Uthmān as the governor of Kūfa<sup>5</sup> and was appointed several times to the position of governor of Medina by the caliph Mu<sup>C</sup>āwiya.<sup>6</sup> According to Ibn Qutayba, Sa<sup>C</sup>īd was a boy in the time of the Prophet and the Prophet gave Sa<sup>C</sup>īd an outer garment.<sup>7</sup>

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1. Ibid., p.537.

2. Ibid.; Ansāb, vol.5, p.176.

3. Ma<sup>C</sup>ārif, p.296; Kathīr, vol.8, p.310.

4. Mas<sup>C</sup>ūdī, op.cit., vol.3, pp.109-111; Ibn Ḥazm, op.cit., p.81.

5. Ansāb, vol.5, p.39.

6. Ṭabarī, vol.5, pp.293-94.

7. Ma<sup>C</sup>ārif, p.296.

Sa<sup>C</sup>īd's father was a nobleman and a leader of the Banū Umayya and Quraysh.<sup>1</sup> Sa<sup>C</sup>īd had twenty sons and twenty daughters, of whom one was <sup>C</sup>Amr.<sup>2</sup> <sup>C</sup>Amr's mother was called Umm Habīb, daughter of Hurayth b. Salīm from the tribe of Qudā<sup>C</sup>a.<sup>3</sup> When his father Sa<sup>C</sup>īd died in 59/678, <sup>C</sup>Amr was a young boy.<sup>4</sup> On his death-bed Sa<sup>C</sup>īd gave advice to his son <sup>C</sup>Amr and related his will, which was to pay back his debts. These amounted to a large sum of money, about one hundred thousand dirhams.<sup>5</sup>

After his father's death, <sup>C</sup>Amr went to see the caliph Mu<sup>C</sup>āwiya b. Abī Sufyān in Damascus. When <sup>C</sup>Amr arrived at the caliph's court, the caliph already knew that <sup>C</sup>Amr's father was dead. He asked <sup>C</sup>Amr about his father's debts and told him that he would pay them all; <sup>C</sup>Amr refused and told the caliph that he would pay all his father's debts himself, by selling his father's land.<sup>6</sup> It appears that <sup>C</sup>Amr, from an early age, felt himself responsible for his family. As <sup>C</sup>Amr was a member of the Umayyad clan the caliph Mu<sup>C</sup>āwiya appointed him as the governor of Mecca,<sup>7</sup> which was a very important post. It appears

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1. Kathīr, vol.8, pp.83-84.

2. Ma<sup>C</sup>ārif, p.296.

3. Tabaqāt, vol.5, p.237.

4. Ma<sup>C</sup>ārif, p.296.

5. Kathīr, vol.8, p.87.

6. Ibid.; Nuwayrī, vol.21, p.100.

7. Abū Hanīfa, op.cit., p.257.

that <sup>C</sup>Amr remained as governor of Mecca until the caliph Mu<sup>C</sup>āwīya died in 60/679.

When the caliph Yazīd sent to the governor of Medina to obtain homage from Ḥusayn b. <sup>C</sup>Alī and <sup>C</sup>Abdallāh b. Zubayr, these two men escaped to Mecca. According to Abū Ḥanīfa, when Ḥusayn tried to go to <sup>C</sup>Irāq, <sup>C</sup>Amr as the governor of Mecca sent his sāhib al-shurṭa to prevent Ḥusayn from going there.<sup>1</sup> The sāhib al-shurṭa tried to stop Ḥusayn by whipping him, but Ḥusayn whipped him too. When <sup>C</sup>Amr heard that, he sent a message to his sāhib al-shurṭa to let Ḥusayn go because he was frightened that the matter would escalate.<sup>2</sup> Like his father, <sup>C</sup>Amr was not willing to oppose Ḥusayn and his family.<sup>3</sup>

<sup>C</sup>Amr did not, however, remain in the city of Mecca for long because the caliph Yazīd I appointed him to be governor of Medina as well as Mecca so he moved to Medina.<sup>4</sup>

<sup>C</sup>Amr's task was very difficult because he had to fight against <sup>C</sup>Abdallāh b. Zubayr, who had taken over the city of Mecca and refused to offer his homage to the caliph Yazīd. <sup>C</sup>Amr ordered his sāhib al-shurṭa Muṣ<sup>C</sup>ab b. <sup>C</sup>Abd al-Raḥmān to be severe and demolish the houses of the family of <sup>C</sup>Abdallāh b. Zubayr but his sāhib al-shurṭa refused. He therefore dismissed him and replaced

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1. Abū Ḥanīfa, op.cit., p.257.

2. Ibid.

3. Ṭabaqāt, vol.5, p.35; Kathīr, vol.8, p.84.

4. Ṭabarī, vol.5, p.343.

him with his own nephew.<sup>1</sup> According to Ibn Sa<sup>c</sup>d, <sup>c</sup>Amr asked someone who was the greatest enemy of <sup>c</sup>Abdallāh b. Zubayr. The person he asked replied that <sup>c</sup>Amr b. Zubayr, the half-brother of <sup>c</sup>Abdallāh b. Zubayr,<sup>2</sup> was the greatest enemy of <sup>c</sup>Abdallāh. <sup>c</sup>Amr b. Zubayr's mother was from <sup>c</sup>Amr b. Sa<sup>c</sup>īd's family, so he was the governor <sup>c</sup>Amr's nephew.<sup>3</sup> <sup>c</sup>Amr ordered his sāhib al-shurṭa to gather an army to fight <sup>c</sup>Abdallāh b. Zubayr in Mecca.<sup>4</sup> But this army was defeated by <sup>c</sup>Abdallāh b. Zubayr in 60/679 and the commander was taken prisoner.<sup>5</sup>

As <sup>c</sup>Amr did not succeed in crushing <sup>c</sup>Abdallāh b. Zubayr's revolt, he was dismissed by the caliph Yazīd in 61/680.<sup>6</sup> When the new governor came to Medina he imprisoned many slaves belonging to <sup>c</sup>Amr. <sup>c</sup>Amr was very angry at this and removed himself from the city, camping outside the city. He sent a message to his slaves and men, numbering about three hundred, telling them that he would send camels to them and that they should break out of prison and come to him.<sup>7</sup> So his men obeyed, broke out of prison, and escaped

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1. Muṣ<sup>c</sup>ab al-Zubayrī, op.cit., p.268.

2. Tabaqāt, vol.5, p.185.

3. Ibid.

4. Ṭabarī, vol.5, p.185.

5. Ibid., p.345; Ibn <sup>c</sup>Abd Rabbihi, op.cit., vol.5, p.119.

6. Ṭabarī, vol.5, p.477; Nuwayrī, vol.20, p.485.

7. Ṭabarī, vol.5, p.478.



to him.<sup>1</sup>

Amr went immediately to Damascus to see the caliph Yazīd. When he arrived at the court Yazīd welcomed him and let him sit near him. But the caliph Yazīd still blamed him for not crushing Abdallāh's revolt. So Amr replied that because he had not had a strong army he could not have crushed the revolt. He convinced the caliph who accepted his excuses.<sup>2</sup> According to Tabarī, when the people of Medina revolted later against the caliph Yazīd and exiled the family of the caliph from the city, the caliph Yazīd sent to Amr asking him to lead the army against them. Amr refused to lead the army because he did not want to shed Quraysh blood. The people of Medina were mostly from the Quraysh tribe at that time.<sup>3</sup>

It appears that Amr did not participate in any political activity until the caliph Yazīd I and his son Mu'āwīya had died. When Mu'āwīya II died (63/682) the people of Syria were divided between two major tribal groups, Qays and Kalb. When Dahhāk b. Qays led the Qays tribes as supporters of Abdallāh b. Zubayr, the Kalb tribes were the leading supporters of the Umayyads.<sup>4</sup> According to Ibn Sa'd and Balādhurī, Marwān b. Hakam and Amr b. Sa'īd were going to Hijāz to give their homage when they met Ubayd Allāh b. Ziyād who told Marwān, 'You are one of the leaders of Banū

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1. Ibid.

2. Ibid., pp.478-79.

3. Ibid., p.483.

4. Mas'ūdī, op.cit., vol.3, p.95.

‘Abd al-Manāf, you ought to be caliph, not ‘Abdallāh b. Zubayr.’ At this point, ‘Amr agreed with Ibn Ziyād to support Marwān in his bid to be caliph.<sup>1</sup> Then they agreed that after Marwān the caliph should be Khālīd b. Yazīd and after him ‘Amr b. Sa‘īd. According to Mas‘ūdī, it was ‘Amr who persuaded the leader of Kalb to support Marwān against ‘Abdallāh, instead of Khālīd, whom the leader of Kalb had formerly supported in his bid for the caliphate.

After the battle of Marj al-Rāhiṭ, Marwān tried to take Egypt from ‘Abdallāh b. Zubayr's governor, so he went with an army and besieged the city of Fustāt until it fell. He then entered the city and took Egypt. According to Kindī, Marwān appointed ‘Amr b. Sa‘īd as his ṣāhib al-shurṭa until he returned to Damascus.<sup>2</sup> It seems that he appointed ‘Amr as his ṣāhib al-shurṭa because he knew that ‘Amr would defend and protect him (he was third in line for the caliphate) and had been Marwān's right-hand man in every major battle.<sup>3</sup>

When ‘Amr returned from Egypt he settled in Damascus until the caliph Marwān died and the caliphate passed to his son ‘Abd al-Malik. ‘Amr realised that he would not ever become caliph if ‘Abd al-Malik remained in power. When ‘Abd al-Malik was outside the city of Damascus on his way to attack Muṣ‘ab b. Zubayr in ‘Irāq,

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1. Tabaqāt, vol.5, p.40; Ansāb, vol.5, p.141.

2. Wulāt, p.70.

3. Ṭabarī, vol.5, p.537.

he asked a follower where <sup>C</sup>Amr was and was told that he had returned to the city, which had its gates shut against him. He realised that <sup>C</sup>Amr had taken over the city, and was leading a revolt against him.<sup>1</sup> According to Ibn Sa<sup>C</sup>d, <sup>C</sup>Amr was highly respected, so the people of Syria followed him. <sup>C</sup>Abd al-Malik realised that he could not match <sup>C</sup>Amr or defeat him in battle, since he was in the city of Damascus and most of the people were supporting him. So <sup>C</sup>Abd al-Malik played a trick on him telling <sup>C</sup>Amr that if he let him enter the city he (<sup>C</sup>Abd al-Malik) would forgive him and offer him safety.<sup>2</sup> So <sup>C</sup>Amr let the caliph <sup>C</sup>Abd al-Malik enter the city. Later, <sup>C</sup>Abd al-Malik told <sup>C</sup>Amr to appear at court and <sup>C</sup>Amr took with him one hundred men, ignoring the warnings from some people who said that the caliph would deceive him and kill him.<sup>3</sup> By the time <sup>C</sup>Amr reached the main hall in which the caliph was sitting, he was allowed to have only one man with him.<sup>4</sup> <sup>C</sup>Abd al-Malik at first let <sup>C</sup>Amr sit down and questioned him about his revolt. <sup>C</sup>Amr then realised that <sup>C</sup>Abd al-Malik intended to kill him. <sup>C</sup>Abd al-Malik ordered his men to take <sup>C</sup>Amr's sword, and told him that he had made a vow to himself that when he saw <sup>C</sup>Amr he would put him in chains. He did that and afterwards had him killed.<sup>5</sup> This was in 69/688.<sup>6</sup>

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1. Ṭabaqāt, vol.5, p.227.

2. Ṭabarī, vol.6, p.141.

3. Ibid., p.142.

4. Ibid., p.143; Mas<sup>C</sup>ūdī, op.cit., vol.3, p.111.

5. Ibid.

6. Ibid.



Amr is described in the sources as a man of great pride and of very high rank. His ruling passion was to attain high office. As mentioned before, Amr was elected several times to important positions such as governorships and was a possible successor to the office of caliph. As a nobleman from Banū Umayya he was a great threat to the caliph Abd al-Malik who felt obliged to kill him. Once he described Amr and himself as two stallions who could not live together, so one of them must go.<sup>1</sup> Amr was also described as a very good speaker, a generous and hospitable man.<sup>2</sup>

#### 8.4 HAJJĀJ B. YŪSUF

Hajjāj b. Yūsuf b. Hakam b. Abī Aqīl b. Masūd came from the tribe of Thaḳīf.<sup>3</sup> It appears from the sources that Hajjāj was called in his childhood by the name of Kulayb and after that he came to be known as Hajjāj.<sup>4</sup> His father Yūsuf was a commander and a high ranking official in the Umayyad army and Abd al-Malik b. Marwān appointed him as governor.<sup>5</sup> Ibn Abd Rabbihi, however, says that Yūsuf was a school teacher in Tā'if.<sup>6</sup> Probably he had

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1. Yaḳūbī, vol.3, p.17.

2. Masūdī, op.cit., vol.3, p.109.

3. Maḳārif, p.395; Ibn Hazm, op.cit., p.267.

4. Maḳārif, p.397; Ibn Abd Rabbihi, op.cit., vol.5, p.298.

5. Maḳārif, p.395.

6. Ibn Abd Rabbihi, op.cit., vol.5, p.298.



been a teacher before he joined the Umayyads and served them at a high rank in the army.

Hajjāj's mother was called Fāri<sup>C</sup>a. According to Mas<sup>C</sup>ūdī, Fāri<sup>C</sup>a was married to Hārith b. Kalada but he divorced her because he saw her cleaning her teeth in the early morning.<sup>1</sup> According to Ibn <sup>C</sup>Abd Rabbihi her husband was Mughīra b. Sha<sup>C</sup>ba. He saw her cleaning her teeth in the morning so he divorced her.<sup>2</sup> What is clear is that Fāri<sup>C</sup>a had already been married before she married Hajjāj's father Yūsuf.

Hajjāj was born in the city of Tā'if<sup>3</sup> in the year 41/661<sup>4</sup> or 42/662.<sup>5</sup> According to Mas<sup>C</sup>ūdī, Hajjāj was born without an anus and would not drink at his mother's breast, so they consulted a physician who was Satan in a physician's shape. He advised that a black goat should be killed and that Hajjāj should be put in its blood. This action was taken and Hajjāj was thereby cured. Hajjāj, when he became a man, enjoyed shedding blood.<sup>6</sup> Such apochryphal stories reveal great popular hostility and hatred of Hajjāj. Possibly Mas<sup>C</sup>ūdī includes them because of his own Shi<sup>C</sup>ite persuasion and he may even have partly believed such superstitious tales.

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1. Mas<sup>C</sup>ūdī, op.cit., vol.3, p.132.

2. Ibn <sup>C</sup>Abd Rabbihi, op.cit., vol.5, p.298.

3. Ibid.

4. Mas<sup>C</sup>ūdī, op.cit., vol.3, p.175.

5. Tabarī, vol.5, p.172.

6. Mas<sup>C</sup>ūdī, op.cit., vol.3, p.132.

Ḥajjāj in his early life worked as a school teacher as his father had done in the city of Tā'if.<sup>1</sup> It appears that Ḥajjāj contacted the Umayyads when his father was appointed as commander in their army. Thus Ḥajjāj also served under his father in the Umayyad army. According to Ṭabarī, the Umayyads sent an army, with Ḥajjāj and his father in it, to attack ʿAbdallāh b. Zubayr in 65/684 but this army was defeated by ʿAbdallāh b. Zubayr's army. Ḥajjāj and his father escaped.<sup>2</sup> After that, Ḥajjāj was appointed a junior governor of a small town called Tabāla. However, he did not like the job so he resigned.<sup>3</sup> Ḥajjāj was subsequently appointed as ṣāhib al-shurṭa for Abī ān b. Marwān who was the governor of Palestine.<sup>4</sup> It appears that Ḥajjāj did not remain long in this office because he was appointed as a member of the shurṭa of the caliph ʿAbd al-Malik.<sup>5</sup> According to Ibn ʿAbd Rabbihi, when ʿAbd al-Malik found that his soldiers would not obey him, and they would not fight ʿAbdallāh b. Zubayr, he told his ṣāhib al-shurṭa Rawḥ b. Zunbā<sup>6</sup> about this. Rawḥ told him that there was in his shurṭa a man, who if the caliph appointed him as a commander for his army, would be able to force

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1. Ibn ʿAbd Rabbihi, op.cit., vol.5, p.298.

2. Ṭabarī, vol.5, p.612.

3. Maʿārif, p.396.

4. Ibid.; Ansāb, vol.5, p.116.

5. Ibn ʿAbd Rabbihi, op.cit., vol.5, p.299.

6. Ibid.

the troops to obey. It seems that Ḥajjāj, for it was indeed he to whom Rawḥ was referring, had already shown outstanding abilities in the shurṭa. For this reason the sāhib al-shurṭa of the caliph had heard about him and recommended him to the caliph who then sent him to fight ʿAbdallāh b. Zubayr in the Ḥijāz.

Ibn ʿAbd Rabbihi mentions that when Ḥajjāj was appointed as commander of the army he used very harsh methods with the soldiers, even with his former shurṭa. One day Ḥajjāj saw some shurṭa of the caliph eating while the rest of the army was marching. Ḥajjāj was very angry and asked them why they did not obey the caliph when he ordered them to march with him. The shurṭa joked with him and told him to come and eat with them. But Ḥajjāj told them that he was not the same man as he had been and he ordered them to be whipped and moved them around the camp to teach the rest of the army a lesson.<sup>2</sup>

Ḥajjāj went to the Ḥijāz in 72/691 and besieged the city of Mecca. He ordered that stones should be thrown onto the city from a nearby mountain.<sup>3</sup> Ḥajjāj was successful in taking the city of Mecca and in killing ʿAbdallāh b. Zubayr. Thereby his master became sole caliph.<sup>4</sup> ʿAbd al-Malik recognised Ḥajjāj's loyalty and knew that Ḥajjāj had served him well. He therefore

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1. Ibid.

2. Ibid., p.299.

3. Ṭabarī, vol.6, p.187.

4. Ibid.

rewarded him by appointing him the governor of the Hijāz.<sup>1</sup>

Hajjāj then re-established the authority of the Umayyads in the Hijāz, after that province had been out of Umayyad hands for nearly ten years.

Then, the caliph realised that Hajjāj was the best man to deal with the province of <sup>C</sup>Irāq. He therefore ordered Hajjāj to move to <sup>C</sup>Irāq as its governor in 75/694. Hajjāj arrived at Kūfa and, on entering the mosque, sat on the minbar with a mask over his face so the people would not know him. Then, because Hajjāj remained silent, the people tried to stone him. When Hajjāj saw this he removed his mask and addressed them. He gave a very tough speech in which he threatened the people of <sup>C</sup>Irāq that if they rebelled or refused the rule of the Umayyads he would kill everyone. Those who did not join the army which was ready to move to help the Khurāsān governor against the Khārijites were also threatened with death.<sup>2</sup>

Hajjāj reorganised the shurṭa and appointed a man whom he considered suitable to take over the office of the sāhib al-shurṭa of the city of Kūfa. According to Ibn Khayyāt, when he saw the toughness of his sāhib al-shurṭa with outlaws and criminals, Hajjāj appointed him as the sāhib al-shurṭa of the city of Baṣra too.<sup>3</sup>

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1. Ma<sup>C</sup>ārif, p.397.

2. Ṭabarī, vol.6, p.204.

3. Ibn Khayyāt, vol.1, p.410.



Ḥajjāj, in his long governorship of <sup>Ḥ</sup>Irāq, faced many troubles and revolts which sometimes nearly brought him and his caliph down. For example, on many occasions the army revolted against Ḥajjāj. According to Ṭabarī, Ḥajjāj spent a large sum of money on the army and sent it to fight the Turks, but that army, under the command of <sup>Ḥ</sup>Abd al-Rahmān b. al-Ash<sup>Ḥ</sup>ath, returned to <sup>Ḥ</sup>Irāq with the aim of crushing Ḥajjāj. Therefore, Ḥajjāj had to ask the caliph to send him an army from Syria to crush that revolt because <sup>Ḥ</sup>Abd al-Rahmān's men came mainly from the province of <sup>Ḥ</sup>Irāq.<sup>1</sup> Ḥajjāj was in difficulties until after the arrival of the Syrian army. He defeated the rebel <sup>Ḥ</sup>Abd al-Rahmān in a battle known as Dayr al-Jamājim.<sup>2</sup> Ḥajjāj then killed anyone who had been with Ibn al-Ash<sup>Ḥ</sup>ath. According to Ṭabarī, Ḥajjāj even killed some scholars who had joined with the rebels, for example, Ibn al-Qiriyya<sup>3</sup> and Sa<sup>Ḥ</sup>īd b. Jubayr.<sup>4</sup>

After this revolt Ḥajjāj decided to keep some of the Syrian troops and put them outside the city of Kūfa. Relations between these troops and the local people deteriorated, so Ḥajjāj decided to build a new city, to be called Wāṣit, so he could keep the Syrians near him, and to make it his capital,<sup>5</sup> from which he could

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1. Ṭabarī, vol.6, pp.334-36.

2. Ibid., p.346.

3. Ibid., p.385.

4. Ibid., p.487.

5. Ibid., p.384.

control the whole of <sup>C</sup>Irāq.

In 86/705 the caliph <sup>C</sup>Abd al-Malik died and his son Walīd became caliph.<sup>1</sup> According to Ṭabarī, Ḥajjāj remained as the governor of <sup>C</sup>Irāq and all the eastern provinces as far as India,<sup>2</sup> and served the caliph Walīd in the same way as he had served his father. When the caliph Walīd tried to name his son <sup>C</sup>Abd al-<sup>C</sup>Azīz as his successor instead of his brother Sulaymān, Ḥajjāj was the first governor who obeyed the caliph Walīd.<sup>3</sup> This made Sulaymān very angry with Ḥajjāj and his family. According to Ṭabarī, Ḥajjāj was very frightened that the caliph Walīd might die and Sulaymān would become caliph. One day Walīd became very ill and fainted. The people sent a letter to Ḥajjāj saying that the caliph had died. When Ḥajjāj read the letter he asked God to ensure that his death would come before the caliph's death<sup>4</sup> because he knew that Sulaymān would not show him any mercy when he became caliph. But after that, another letter arrived saying the the caliph was not dead.<sup>5</sup> It seems that Ḥajjāj's prayer was answered because in 95/713 Ḥajjāj died and the caliph Walīd died four months after him.<sup>6</sup> Ḥajjāj died at the age of 53 or 54.<sup>7</sup>

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1. Ibid., p.418.

2. Ibid., p.433.

3. Ibid., p.499.

4. Ibid., p.497.

5. Ibid.

6. Ibid., p.493.

7. Ibid.

Ḥajjāj lived to be famous. He remained consistently faithful to his idea, which was to serve the Umayyads until death. He believed, almost blindly, in the caliphs under whom he worked and he killed many people for the sake of establishing Umayyad authority. Ḥajjāj was the right hand of the caliph ʿAbd al-Malik and his son Walīd and was generously rewarded for his services. His family also attained high rank in the Umayyad state. For example, his brother Muḥammad was the governor of Yemen<sup>1</sup> and his relative Muḥammad b. Qāsim al-Thaqafī was the governor and commander of the province of Sind.<sup>2</sup> Not only did Ḥajjāj and his family reach high rank but the caliph ʿAbd al-Malik married his son Yazīd (later Yazīd II) to the niece<sup>3</sup> of Ḥajjāj. It would be true to say that Ḥajjāj was a second caliph 'because he gained control of all the eastern provinces and Yemen.' He was a partner in the Umayyad state rather than a mere governor.

Ḥajjāj was described by the sources as very harsh with anyone who opposed the state, but he was also described as a coward in war. According to Masʿūdī, when Shabīb al-Khārjī attacked Kūfa and entered the mosque, Ḥajjāj hid himself in the palace and did not fight.<sup>4</sup> Also, as mentioned before, he escaped with his father when the army was defeated by ʿAbdallāh b. Zubayr's army. Ḥajjāj,

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1. Ibid., p.498.

2. Ibid., p.483.

3. Ibn ʿAbd Rabbihi, op.cit., vol.5, p.215.

4. Masʿūdī, op.cit., vol.3, p.147.

it appears, used his head more than his hands and was more of a politician than a warrior.

#### 8.5 BILĀL B. ABĪ BURDA

Bilāl b. Abī Burda b. Abī Mūsā al-Ash<sup>C</sup>arī (called <sup>C</sup>Abdallāh b. Qays)<sup>1</sup> had the kunya, Abū <sup>C</sup>Abdallāh or Abū <sup>C</sup>Āmir.<sup>2</sup> His grandfather, Abū Mūsā, was a well-known Islamic figure, as he was a Companion of the Prophet. Abū Mūsā played a major role in the caliphates of <sup>C</sup>Umar, <sup>C</sup>Uthmān and <sup>C</sup>Alī. In the caliphate of <sup>C</sup>Umar b. Khaṭṭāb he was appointed as the governor of Baṣra.<sup>3</sup> <sup>C</sup>Umar also appointed him the governor of Baṣra a second time after he dismissed Mughīra b. Shu<sup>C</sup>ba.<sup>4</sup> Abū Mūsā also played an important role in the caliphate of <sup>C</sup>Alī b. Abī Tālib, when he was appointed as <sup>C</sup>Alī's representative in the arbitration case between <sup>C</sup>Alī and Mu<sup>C</sup>āwiya.<sup>5</sup>

Bilāl's father, Abū Burda, was also a well-known person. He was appointed by Ḥajjāj as the qādī of Kūfa and remained in that office until he died in 103/721.<sup>6</sup>

It appears that Bilāl spent his early life in Kūfa, since

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1. Ma<sup>C</sup>ārif, p.266; Tā'rīkh al-Islām, vol.5, p.48.

2. Ibid.

3. Kathīr, vol.7, pp.85-86.

4. Ya<sup>C</sup>qūbī, vol.2, p.136.

5. Ibn <sup>C</sup>Abd Rabbihi, op.cit., vol.5, pp.104-105.

6. Ma<sup>C</sup>ārif, p.266.



his father was the qādī of that city. However, historians do not discuss Bilāl's early life very much. It seems, however, that Bilāl, before taking to political activity, was known as a muhaddith. According to Ibn Waki<sup>C</sup>, Bilāl related the traditions of the Prophet whenever anyone came to visit him.<sup>1</sup> It appears that Bilāl related hadīth which he had heard from his father and his grandfather before him.<sup>2</sup>

Bilāl tried to enter the political arena, especially in the time of <sup>C</sup>Umar b. <sup>C</sup>Abd al-<sup>C</sup>Azīz. According to the sources, Bilāl heard that <sup>C</sup>Umar b. <sup>C</sup>Abd al-<sup>C</sup>Azīz had become caliph, so he took the opportunity and went to Damascus to congratulate him on his new office as caliph.<sup>3</sup> The story goes that Bilāl tried to show the caliph <sup>C</sup>Umar that he was a very religious man, so he remained in the mosque and prayed to show himself to be a pious man. Because of the caliph <sup>C</sup>Umar's policy of appointing religious men as governors, <sup>C</sup>Umar thought of appointing Bilāl as the governor of <sup>C</sup>Irāq. Before doing so, however, he asked one of his men to go to Bilāl and try to discover if he was really religious or if he simply wanted to be governor. In fact, Bilāl revealed himself to be politically ambitious. The man went to see Bilāl in the mosque and asked what Bilāl would give him if he could get the caliph to appoint him governor of <sup>C</sup>Irāq. Bilāl immediately offered

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1. Waki<sup>C</sup>, vol.2, p.23.

2. Ibid.

3. Tā'rīkh al-Islām, vol.5, p.49; Tahdhib, vol.1, pp.500-501.

the man a large sum of money to do that. So the man went to <sup>C</sup>Umar and told him about Bilāl. <sup>C</sup>Umar did not therefore appoint Bilāl and ordered him out of Damascus.<sup>1</sup>

Bilāl continued looking for the opportunity for political advancement until the caliph Hishām b. <sup>C</sup>Abd al-Malik appointed Khālīd al-Qasrī as the governor of <sup>C</sup>Irāq in 105/723. Khālīd appointed Bilāl as the ṣāhib al-shurṭa of the city of Baṣra in 109/727.<sup>2</sup> So Bilāl obtained a post at last. This was not, however, sufficient for him and he apparently sought greater preferment. This he could do because of his relationship with the governor Khālīd, who was a fellow tribesman and who tended to appoint his own tribesmen to official posts.<sup>3</sup> Accordingly, in 110/728,<sup>4</sup> Khālīd appointed Bilāl as the governor, the ṣāhib al-shurṭa, and the qāḍī of the city of Baṣra. Bilāl thus became the supreme ruler of the city of Baṣra, having obtained all three major offices in the city. He ruled the city without any assistance from anyone.

Ibn Waki<sup>C</sup> relates many incidents in which Bilāl was involved through his position as supreme judge. For example, Bilāl apparently related many ḥadīths about the sunna of the Prophet when

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1. Waki<sup>C</sup>, vol.2, p.27; Tā'rīkh al-Islām, vol.5, p.49; Tahdhīb, vol.1, pp.500-01.

2. Ṭabarī, ser.11-3, p.1506.

3. Ibid., p.1468.

4. Ibid., p.1526; Nuwayrī, vol.21, p.436.

passing judgements.<sup>1</sup> It seems also that Bilāl was unjust in his judgements. For example, Ibn Wakī<sup>C</sup> relates that a man called Abū <sup>C</sup>Awn was a mawlā who married a woman from an Arab tribe, so Bilāl ordered Abū <sup>C</sup>Awn to divorce her. Abū <sup>C</sup>Awn divorced her after one ṭalqa, but Bilāl ordered him to divorce her completely. Abū <sup>C</sup>Awn refused, so Bilāl ordered him to be whipped, and to separate from his wife.<sup>2</sup>

Bilāl also yielded to pressure from those of higher rank, especially the governor of <sup>C</sup>Irāq, Khālīd al-Qasrī. For example, Khālīd ordered Bilāl to appoint a certain man, so Bilāl gave in to Khālīd and sent for that man. The messenger returned and told Bilāl that the man was praying. Bilāl therefore ordered the messenger to tell the man: 'Leave your prayers because the matter for which you pray is granted you.'<sup>3</sup>

Bilāl had the reputation of being an extremely harsh sāhib al-shurṭa especially with anyone who offended him. For example, he ordered a man to be imprisoned because he offended him and spoke slightly about his grandfather Abū Mūsā.<sup>4</sup> On another occasion, a man called Khālīd b. Ṣafwān said that Bilāl's appointment as governor and sāhib al-shurṭa of Basra was like a small cloud in the

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1. Wakī<sup>C</sup>, vol.2, p.24.

2. Ibid., p.28; Tā'rīkh al-Islām, vol.5, p.249. According to Ibn Hajār, Bilāl was the first qādī to be unjust in his judgement. Tahdhīb, vol.1, pp.500-01.

3. Wakī<sup>C</sup>, vol.2, p.27.

4. Ibid., pp.30-31.



summer, meaning that he would rule only for a short time. When Bilāl heard that, he ordered the man to be imprisoned. When certain people asked for his release, Bilāl wanted ten men to stand bail for him for one hundred thousand dirhams. When Khālīd b. Ṣafwān escaped, Bilāl did not have any mercy on the bailsmen, and he got from them one hundred thousand dirhams.<sup>1</sup> This suggests that Bilāl was not prepared to accept any criticism from anyone.

Bilāl remained as the governor, ṣāhib al-shurṭa and qādī of Baṣra until the caliph Hishām dismissed the governor of <sup>C</sup>Irāq, Khālīd al-Qasrī, in 120/737.<sup>2</sup> Before the dismissal of Khālīd, Bilāl heard that the caliph Hishām was very angry with the governor Khālīd. Bilāl realised that his position as the governor of Baṣra depended on Khālīd remaining governor of <sup>C</sup>Irāq. Bilāl rode on horseback, covering the distance between the city of Baṣra and Kūfa in one night and day without stopping.<sup>3</sup> When Bilāl arrived at Kūfa he went to the mosque and prayed, and when the governor Khālīd heard that Bilāl had arrived, he went to see him. Bilāl told the governor that he had heard that the caliph Hishām was angry with him. He advised the governor to give the caliph a large sum of money to make him forget his anger, saying that this would put him back in favour with the caliph. But the

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1. Ibid., p.25.

2. Ṭabarī, ser.11-3, p.1647.

3. Ibid., p.1657.



governor Khālīd told Bilāl he did not want to give money to the caliph. Bilāl returned to Basra, knowing that his days and those of his governor Khālīd were numbered.<sup>1</sup>

When a new governor, whose name was Yūsuf b. ʿUmar was appointed by the caliph Hishām for the province of ʿIrāq, Bilāl escaped to Syria. However, his hiding place was discovered and he was returned with his hands in chains to ʿIrāq.<sup>2</sup> According to Ṭabarī and Yaʿqūbī, Bilāl had bought a house in the city of Kūfa but he had never lived in it. However, when he was captured by the new governor, Bilāl was imprisoned in his own house.<sup>3</sup> Ṭabarī adds that Bilāl's house had served as the prison of Kūfa until his own time.<sup>4</sup> According to Ibn Wakīʿ, Bilāl was put in chains and the governor Yūsuf b. ʿUmar ordered him to be brought to his court. People who had been whipped or imprisoned by Bilāl came to the governor Yūsuf and asked him for justice. One of these men was Khālīd b. Ṣafwān, whom Bilāl had imprisoned, as well as taking money from his bailsmen.<sup>5</sup>

After that, Bilāl was put in prison and according to some sources he was responsible for his own death. The story goes like this: When Bilāl was in prison he tried to escape by bribing

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1. Ibid., p.1658.

2. Wakīʿ, vol.2, p.40.

3. Ṭabarī, ser.11-3, p.1658; Yaʿqūbī, vol.3, p.66.

4. Ṭabarī, ser.11-3, p.1658.

5. Ibn Wakīʿ, vol.2, pp.38-39.

the jailer. He told the jailer that if he told the governor Yūsuf that Bilāl was dead he, Bilāl, would give the jailer one hundred thousand dirhams. So the jailer went and told the governor that Bilāl had died, but the governor ordered the jailer to show him Bilāl's body, to convince himself of Bilāl's death. The jailer was in a dilemma, so he returned to his jail and threw something over Bilāl which suffocated him.<sup>1</sup> His death took place between 120 and 123 A.H.<sup>2</sup>

It seems that Bilāl in his governorship of the city of Baṣra tried to do something for the city as well as maintaining law and order there. For example, according to Balādhurī, Bilāl channelled a new river and also built a canal which was called Bilāl's river after him. He ordered shops to be built on its bank and moved the market near the river.<sup>3</sup>

Bilāl is described in the sources as harsh and miserly. According to Ibn Wakī<sup>C</sup> and Dhahabī, Bilāl was so miserly that he sold fat, which he was using as an ointment, in the market. When the people of Baṣra heard about this, they did not buy fat from the market.<sup>4</sup> Ibn Wakī<sup>C</sup> also mentions that Bilāl ordered a lot of food to be brought to his court so that the people who were present could eat, but when the food was ready and the people sat down to

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1. Tā'rīkh al-Islām, vol.5, p.50; Tahdhīb, vol.1, pp.500-01.

2. Ibid.

3. Futūh, p.358.

4. Wakī<sup>C</sup>, vol.2, p.27; Tā'rīkh al-Islām, vol.5, p.49.

eat, the time of the maghrib prayer was announced. Bilāl stood to pray and realising the people did not like him, he ordered the servants to take all the food away and to sell it to the neighbours before they returned to their places to eat.<sup>1</sup> Whether this story is true or not, it seems that Bilāl was generally regarded as miserly. He was also ambitious for great office. Although politically ambitious and very despotic, Bilāl was also capable of making improvements to the city of which he was in sole control.

It is interesting to note that Ibn Wakī<sup>C</sup> devotes over twenty pages to a discussion of Bilāl, whom he believes to be the first unjust qādī. Clearly Bilāl enjoyed unbridled local power since he held all three major offices at the same time.

#### 8.6 ḤAFṢ B. WALĪD

His full name was Ḥafṣ b. Walīd b. Sayf b. <sup>C</sup>Abdallāh al-Ḥaḍramī.<sup>2</sup> His kunya was Abū Bakr.<sup>3</sup> It appears that Ḥafṣ was a member of the major tribe which came from the southern part of the Arabian Peninsula. According to Ibn <sup>C</sup>Abd al-Ḥakam, the people of Ḥaḍramawt entered Egypt with other Arab tribes after the conquest of Egypt. When the city of Fustāt was established, each tribe had their own district, including those from the Ḥaḍramawt.<sup>4</sup>

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1. Wakī<sup>C</sup>, vol.2, p.26.

2. Wulāt, p.96.

3. Taqrīb, vol.1, p.189; Tā'rīkh al-Islām, vol.5, p.62.

4. Ibn <sup>C</sup>Abd al-Ḥakam, op.cit., p.168.



Ḥafṣ's early life is not discussed in the sources. He became politically active in the late Umayyad period, in the time of Hishām b. ʿAbd al-Malik. According to Kindī, when the caliph Hishām appointed his brother Muḥammad as the governor of Egypt in 105/723, Muḥammad appointed Ḥafṣ b. Walīd as his sāhib al-shurṭa.<sup>1</sup>

Muḥammad did not, however, remain long as the governor because, according to Kindī, an epidemic broke out in upper Egypt, so the governor fled to southern Egypt.<sup>2</sup> When the new governor whose name was al-Ḥurr b. Yūsuf, arrived in 105/723, he allowed Ḥafṣ to remain as the sāhib al-shurṭa.<sup>3</sup> So Ḥafṣ retained his office, which allowed him to establish himself in the political life of Egypt.

In al-Ḥurr's governorship, Ḥafṣ acquired a taste of real power when that governor was recalled to Damascus by the caliph Hishām. He appointed Ḥafṣ in his place as the man in charge of Egypt in 107/725. It seems that through this appointment Ḥafṣ became more famous, and information about his ability reached the caliph Hishām, probably by way of the governor al-Ḥurr, who visited the caliph. After that, the caliph Hishām dismissed al-Ḥurr because the sāhib al-kharāj wrote to the caliph complaining about the governor al-Ḥurr. Then al-Ḥurr himself wrote to the caliph asking for his dismissal from the governorship, so the caliph dismissed

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1. Wulāt, p.94.

2. Ibid.

3. Ibid., p.95.



im.<sup>1</sup> The caliph, knowing the ability of Ḥafṣ, appointed him as the governor of Egypt in 108/726.<sup>2</sup>

However, it appears that Ḥafṣ did not remain for long in that post, because he was dismissed after only a fortnight.<sup>3</sup>

It seems that the ṣāhib al-kharāj was behind Ḥafṣ's dismissal because he wrote to the caliph and told him,

'You did not really dismiss al-Hurr,  
because you have appointed Ḥafṣ, who  
is of a similar character.'<sup>4</sup>

Possibly the ṣāhib al-kharāj was against Ḥafṣ because Ḥafṣ was really a loyal supporter of the governor al-Hurr.

Ḥafṣ had gained fame but then settled in Fustāt without any important post. However, he remained respected among the high-ranking men of Egypt. The governor of Egypt, Ḥanzala b. Safwān, heard that his ṣāhib al-shurṭa was not efficient, and people were complaining about him, so he asked advice from Ḥafṣ as to who to appoint in the ṣāhib al-shurṭa's place when he dismissed his present ṣāhib al-shurṭa.<sup>5</sup>

It seems that Ḥafṣ did not remain for long without an important post because, according to Ibn Ḥajar, the caliph Hishām

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1. Ibid., p.96.

2. Maqrīzī, op.cit., vol.1, p.303.

3. Ibid.

4. Wulāt, p.96.

5. Ibid., p.103.

appointed him as a naval commander (amīr al-bahr) in 119/737.<sup>1</sup>

It appears that the governor of Egypt, Ḥanzala, was a friend of Ḥafs and a fellow Yemeni tribesman. So when the caliph appointed him to the office of governor of all the northern provinces of Ifriqiyya, Ḥanzala appointed Ḥafs as the governor of Egypt in his stead when he left for his new post in 124/791.<sup>2</sup> The caliph Hishām agreed to the appointment of Ḥafs.<sup>3</sup>

Ḥafs again became the master of Egypt and it seems that the caliph Hishām was pleased with his appointment, and allowed Ḥafs to control the kharāj as well as his governorship, which meant power as well as wealth to Ḥafs.<sup>4</sup> His first major step towards increasing his popularity with the army was to increase their payments from ten irdabbs to twelve.<sup>5</sup>

When the caliph Hishām died, his successor Walīd b. Yazīd let Ḥafs remain as governor of Egypt.<sup>6</sup> It seems, for reasons which Kindī does not mention, that the caliph Walīd b. Yazīd ordered Ḥafs to drive out all the Syrian troops from Egypt. Ḥafs tried to do this but the Syrian troops refused to be driven out and they besieged Ḥafs's house. Ḥafs fought them and killed their

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1. Tahdhīb, vol.2, p.421.

2. Maqrīzī, op.cit., vol.1, p.303; Wulāt, p.104.

3. Ibid.

4. Maqrīzī, op.cit., vol.1, p.303.

5. Wulāt, pp.104-5.

6. Ibid., p.105.

leader.<sup>1</sup>

In 126/743 Ḥafs was recalled to Damascus by the caliph Walīd b. Yazīd.<sup>2</sup> Ḥafs was in Damascus when Yazīd b. Walīd led his revolt against the caliph Walīd b. Yazīd. The caliph Walīd was killed in this revolt and Yazīd b. Walīd became caliph.<sup>3</sup> Ḥafs saw what was happening and apparently had not taken the side of the caliph Walīd b. Yazīd. The new caliph Yazīd b. Walīd allowed Ḥafs to return to Egypt as its governor, and ordered him to make payments to the army.<sup>4</sup> Ḥafs did not lose any time. He appointed payment officers in the army.<sup>5</sup> Thus, he could give payments and orders through them, which meant he retained control of the army and kept its loyalty. He also appointed for lower Egypt a man from his own tribe.<sup>6</sup> In this way he had authority over all Egypt.

In 126/743 the caliph Yazīd b. Walīd was killed after ruling just a few months. His brother Ibrāhīm succeeded him but Marwān b. Muḥammad entered Damascus and deposed Ibrāhīm, naming himself caliph, in 127/744.<sup>7</sup> It appears that Ḥafs did not support Marwān as caliph, so he sent him a letter asking him to accept his

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1. Ibid.

2. Maqrīzī, op.cit., vol.1, p.303.

3. Ibid.

4. Wulāt, p.106; Maqrīzī, op.cit., vol.1, p.303.

5. Wulāt, p.106.

6. Ibid.

7. Azdī, op.cit., pp.55-61.

resignation as governor of Egypt.<sup>1</sup> The caliph Marwān accepted his resignation. Marwān sent a new governor who immediately decreased the payment to the troops, so their leaders who had received these payments revolted against the new governor and told him they wanted Ḥafṣ, not him, to be their governor. However, they went too far when they said, 'We do not want Marwān as caliph'.<sup>2</sup> These troops and the people besieged the governor's house and forced him to leave Fustāt.<sup>3</sup> They brought back Ḥafṣ and appointed him as their governor. It appears that the army and the people announced their insubordination to Marwān, and told him, 'We do not want you as our caliph'. It seems that Ḥafṣ shared the view of his army and the people that Marwān should be dethroned as caliph.<sup>4</sup>

Marwān decided to send an army, and appointed its commander, whose name was Hawthra b. Suhayl, as the governor of Egypt.<sup>5</sup> When Ḥafṣ and the Egyptian army heard about this, the troops, especially the leaders, went to Ḥafṣ and told him to fight the new governor and that they would support him. Ḥafṣ refused their advice and said he was resigning, so the army were frightened of the new governor. They sent to him asking for a guarantee of safety and

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1. Maqrīzī, op.cit., vol.1, p.303.

2. Ibid.

3. Wulāt, p.108.

4. Tā'rīkh al-Islām, vol.5, p.62.

5. Maqrīzī, op.cit., vol.1, p.303.



Ḥawthra agreed to that.<sup>1</sup> The new governor told the leaders of the army, 'If you will obey me, come to see me'.<sup>2</sup> So Ḥafṣ, with other leaders, went to see him in the governor's army camp. When they reached the governor's camp, Ḥafṣ and other Egyptian leaders gave their names. However, the new governor ordered them to be imprisoned. After that he ordered all these leaders to be killed, especially those who were from Ḥafṣ's tribes and all his supporters. He killed Ḥafṣ (in 128/745).<sup>3</sup>

Ḥafṣ played a major role in Egyptian political life and obtained a very high-ranking post in this province. He showed himself to be a very good administrator and achieved the respect of several caliphs. However, it seems he was on bad terms with the last Umayyad caliph. Ḥafṣ is described in the sources as a muḥaddith of the Prophet's ḥadīth and was a trustworthy and reliable man.<sup>4</sup>

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1. Wulāt, pp.110-11.

2. Ibid.

3. Ibid., pp.112-13; Maqrīzī, op.cit., vol.1, p.303.

4. Tā'rīkh al-Islām, vol.5, p.62; Taqrīb, vol.1, p.189; Tahdhīb, vol.2, p.421.

## Chapter 9

A GENERAL DISCUSSION OF THE ACTIVITIES OF THE SHURTA  
IN THE EARLY <sup>C</sup>ABBĀSID PERIOD 132-218/749-833

## Chapter 9

### A GENERAL DISCUSSION OF THE ACTIVITIES OF THE SHURṬA IN THE EARLY ʿABBĀSĪD PERIOD 132-218/749-833

In this chapter we will discuss the sphere of activity of the shurṭa institution in the early ʿAbbāsīd period, and explain how the institution changed from the role it had played in Umayyad times.

#### 9.1 THE ACTIVITY OF THE SHURṬA UNDER THE CALIPHS, AL-SAFFĀH AND AL-MANṢŪR, 132-158/749-779

When Abū Muslim began to control the province of Khurāsān he appointed as his shurṭa a man called Mālīk b. al-Haytham.<sup>1</sup> During his initial organising of the army, Abū Muslim, like the Umayyads, was keen to appoint a ṣāhib al-shurṭa for his army. It seems he acted in this way because he needed someone in his army to be responsible for security in the camp, and to enforce law and order.<sup>2</sup> Abū Muslim also used the khalifat ṣāhib al-shurṭa to walk in front of him whenever he rode out.<sup>3</sup> When the ʿAbbāsīd army advanced against the Umayyads, the ʿAbbāsīd commander, whose name was Qaḥṭaba

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1. Ṭabarī, ser.11-3, p.1989.

2. Anon, Akhbār al-Dawlat al-ʿAbbāsiyya, ed. ʿA.-ʿA. Dūrī and ʿA. J. al-Muṭṭalibī (Beirut, 1971), p.279.

3. Ibid., pp.279-80.

b. Shabīb, ordered his sāhib al-shurṭa to watch over the army which was crossing the river to attack the Umayyad forces on the other bank of the river.<sup>1</sup>

As is well-known, the first <sup>C</sup>Abbāsīd caliph, Abu 'l-<sup>C</sup>Abbās al-Saffāh, took Kūfa as his capital. The new caliph appointed for his shurṭa a man called <sup>C</sup>Abd al-Jabbār b. <sup>C</sup>Abd al-Rahmān al-Azdī.<sup>2</sup> There is, however, little information on his activities, although there are some references to the activities of the shurṭa at court and in other spheres. According to Ibn A<sup>C</sup>tham, the caliph al-Saffāh was sitting one day with some survivors of the Umayyad family, including the son of Hishām b. <sup>C</sup>Abd al-Malik, Sulaymān. A poet entered and recited a poem in which he outlined what the Umayyads had done to the Hāshimite family and he asked why the caliph trusted these people who were really his enemies. Al-Saffāh was influenced by this and he ordered his shurṭa to take the Umayyads out and execute them.<sup>3</sup> From this incident it seems that the shurṭa still acted as executioners for the caliphs, and were positioned around the caliph.

There is also information available on Egypt in the reign of al-Saffāh. In 136/753 the governor of Egypt, Ṣāliḥ b. <sup>C</sup>Alī, appointed two sāhib al-shurṭas, one for the city of Fustāt and the other for a new district called al-<sup>C</sup>Askar. It was at al-<sup>C</sup>Askar

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1. Ṭabarī, vol.7, p.414.

2. Ya<sup>C</sup>qūbī, vol.3, p.101.

3. Ibn A<sup>C</sup>tham, vol.8, p.201.



that the <sup>C</sup>Abbāsīd army was settling and the governor obviously felt the need for two ṣāhib al-shurṭas.<sup>1</sup>

There is also one small reference to the ṣāhib al-shurṭa in Medina. When al-Ṣaffāḥ ordered the governor of Medina to exile all mukhannaths from the city the governor commanded his ṣāhib al-shurṭa to carry out these orders.<sup>2</sup>

There is more copious information about the reign of al-Manṣūr who succeeded his brother, al-Saffāḥ. In this period the <sup>C</sup>Abbāsīds established themselves firmly in power. Very early on in the reign of al-Manṣūr, in 137/754, his uncle, <sup>C</sup>Abdallāh, rebelled against him. Al-Manṣūr sent Abū Muslim with an army to fight <sup>C</sup>Abdallāh in Damascus. As <sup>C</sup>Abdallāh knew that Abū Muslim was advancing against him with an army from Khurāsān, <sup>C</sup>Abdallāh ordered his ṣāhib al-shurṭa to execute seventeen thousand people from Khurāsān who were with him in Syria, because he believed that these people would join with Abū Muslim when he arrived in Syria. In that event he would have to fight an army much increased in size. However, it seems that this action did not prevent Abū Muslim from defeating <sup>C</sup>Abdallāh b. <sup>C</sup>Alī.<sup>3</sup>

Before Abū Muslim was sent to fight <sup>C</sup>Abdallāh, he had asked the caliph al-Manṣūr to give him the lives of <sup>C</sup>Abd al-Jabbār b. <sup>C</sup>Abd al-Raḥmān, Ṣāliḥ b. al-Haytham and Khālīd b. Barmak. Abū

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1. Wulāt, p.124.

2. Ansāb, vol.3, p.161.

3. Ṭabarī, ser.111-1, p.94.

Muslim told al-Mansūr that the killing of these men would benefit the caliph, as they were dangerous to him.<sup>1</sup> These men had key posts in the <sup>C</sup>Abbāsīd administration, including those of sāhib al-shurṭa and hājib.<sup>2</sup> It may well be that Abū Muslim was motivated here by a desire to kill those men who were the most loyal to al-Mansūr, and thereby to further his own ambitions. However, al-Mansūr outwitted him, asking him to visit him in his palace. When Abū Muslim arrived the caliph ordered his sāhib al-haras, with his men, to hide themselves and on a signal from the caliph to come out and kill Abū Muslim, which they did.<sup>3</sup>

When, in 141/758, the caliph al-Mansūr was troubled by opposition from the Rawandiyya, the sources mention the involvement of the sāhib al-haras rather than that of the sāhib al-shurṭa. Indeed, in the attack made on the palace of the caliph by the Rawandiyya, the sāhib al-haras was killed.<sup>4</sup>

Prompted by fears for his personal safety, especially after the Rawandiyya incident, al-Mansūr set about the building of Baghdad. According to al-Khatīb al-Baghdādī, the caliph set a commander with a thousand guards at each gate of the city. One of the streets was named from the fact that it housed many of the shurṭa.<sup>5</sup> According

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1. Ibn A<sup>C</sup>tham, vol.8, p.215.

2. Ibid.

3. Ṭabarī, ser.111-1, pp.129-31.

4. Ibid.

5. Al-Khatīb al-Baghdādī, Tā'rīkh Baghdād (Cairo, 1931), vol.1, pp.77-89.

To Ṭabarī, al-Mansūr ordered the market to be moved from inside Baghdād to Karkh, on the other side, because he believed that the market might be a security hazard, especially since the city gate would have to remain open at night if the market remained where it was. So, his orders were carried out and he settled his haras and shurṭa in the place where the market had been.<sup>1</sup>

There is interesting light thrown by Ṭabarī on early ʿAbbāsīd government posts in an anecdote which he attributes to al-Mansūr. According to Ṭabarī, al-Mansūr declared: 'I want and need four men in front of my door, each one of whom is honest.' When asked who such men might be, al-Mansūr said that these men were the foundation of the state and that the state could not function without them, just as a throne could not stand up without four supports. The first of these four is the qādī who is impervious to criticism, as he works in God's service. The second of the four is the sāhib al-shurṭa who defends the weaker people in society against the stronger. The third is the sāhib al-kharāj who exercises justice in collecting money from the people. When he came to a description of the fourth of these crucial government posts, al-Mansūr bit his nails three times and sobbed continually before announcing that he was thinking about the sāhib al-barīd whose job it was to record the actions of the three others.<sup>2</sup>

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1. Ṭabarī, ser.111-1, p.324.

2. Ibid., p.398.



When discussing the ḥaras and shurṭa in a letter to his governor, <sup>C</sup>Isā b. Mūsā, the caliph, al-Manṣūr is recorded as saying that he had to watch over these people carefully as they were those closest to him.<sup>1</sup> Unfortunately, the sources do not make a clear distinction between these two offices.

As for the shurṭa in particular, it would appear that in this period, they performed the same kind of duties which they had undertaken in Umayyad times. These included the imposition of the ḥudūd and the arresting and punishing of criminals.<sup>2</sup>

## 9.2 THE ACTIVITY OF THE SHURṬA IN THE PERIOD 158-170/774-786

As well as the increasing importance of the ṣāhib al-ḥaras and the ṣāhib al-barīd which has already been noted, it is noteworthy that in the reign of al-Manṣūr's son, al-Mahdī, a new office came into being, that of the ṣāhib al-zanādiqa. According to Ya<sup>C</sup>qūbī, al-Mahdī killed many people who were accused of being zindīqs. One such person was the son of his kātib, a certain Ṣāliḥ.<sup>3</sup> Another well-known example is that of the famous poet, Bashshār b. Burd who was arrested and beaten to death by the ṣāhib al-zanādiqa, <sup>C</sup>Abd al-Jabbār.<sup>4</sup> The creation of this new post would

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1. Ibid., pp.377,340.

2. Ibn Qutayba, Kitāb al-Ashriba (Damascus, 1947), pp.28-29; Nishwār, pp.276-77; Ansāb, vol.3, p.224; Faraj, vol.2, p.25; al-Khatīb al-Baghdādī, op.cit., vol.1, p.76.

3. Ya<sup>C</sup>qūbī, vol.3, p.138.

4. Aghānī, vol.3, p.72.



suggest that the problem posed by this 'group' of dissidents was considered as requiring special attention.

In the few references found in the sources to the shurṭa in the reign of al-Mahdī, it would appear that they continued in the duties already described for the post in the Umayyad period.<sup>1</sup>

Further erosion into the range of duties of the sāhib al-shurṭa may be discerned, however, in the report by Ṭabarī that the caliph introduced the office of court executioner, armed with his sword and leather mat, naṭī<sup>c</sup>, a job formerly carried out by the sāhib al-shurṭa or one of his men.<sup>2</sup>

The ceremonial functions of the sāhib al-shurṭa appear to have remained broadly the same. Al-Jāhiz records how the caliph al-Hādī's sāhib al-shurṭa rode in front of him, bearing his lance in his hand.<sup>3</sup>

If the size of the salary given to the sāhib al-shurṭa at this time is compared with that of the sāhib al-ḥaras, it would appear that the latter office enjoyed a much better financial position and that it had taken precedence over that of the sāhib al-shurṭa. According to Tanūkhī at any rate, the sāhib al-ḥaras was paid one million dirhams and the sāhib al-shurṭa only half a million.<sup>4</sup> In this period, it was mostly the sāhib al-ḥaras who moved into higher posts, such as governorships and army commands, rather than these jobs going to the sāhib al-shurṭa as had formerly

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1. Ibid., vol.18, p.36; Wulāt, pp.144-45.

2. Ṭabarī, ser.111-1, p.544.

3. Al-Tāj, pp.80-81.

4. Faraj, vol.2, p.103.

been the case. For example, Harthama b. A<sup>C</sup>yan had been sāhib al-ḥaras of the caliph Hārūn al-Rashīd before he became governor of Egypt in 187/802.<sup>1</sup> Similarly, <sup>C</sup>Alī b. <sup>C</sup>Isā b. Māhān was sāhib al-ḥaras of the caliph before he was appointed governor of Khurāsān.<sup>2</sup> The Aghlabids, on the other hand, descended from Ibrāhīm b. al-Aghlab who had been the sāhib al-shurṭa of the governor of Ifriqiyya in this period.<sup>3</sup>

The reign of Hārūn al-Rashīd appears to be the period when yet another official post came into existence, that of the sāhib al-khabar. According to Ṭabarī, this post was filled by <sup>C</sup>Abdallāh b. Muṣ<sup>C</sup>ab whose duty it was to spy on the people and to report back to the caliph.<sup>4</sup> Hārūn also asked his sāhib al-khabar to bring him as much information as he could about the poet, Abu'l <sup>C</sup>Atāhiyya, who was then beaten.<sup>5</sup>

### 9.3 THE ACTIVITY OF THE SHURṬA IN THE PERIOD 193-218/803-833

In the general breakdown of law and order during the civil war between al-Amīn and al-Ma'mūn, the sāhib al-shurṭa of the caliph is recorded as fighting alongside prisoners and other miscreants who took the opportunity of looting and killing in Baghdad.<sup>6</sup> After the killing

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1. Wulāt, p.161; Ibn Khayyāt, vol.2, p.502.

2. Ibn Khayyāt, vol.2, pp.499,502.

3. Ya<sup>C</sup>qūbī, vol.3, p.149.

4. Ṭabarī, ser.111-2, p.681.

5. Aghānī, vol.3, p.151.

6. Ṭabarī, ser.111-2, p.881.

of al-Amīn, al-Ma'mūn's army entered Baghdād and the urban situation deteriorated even further. Not surprisingly, the citizens organised themselves finally to protect themselves and their families.<sup>1</sup> When the caliph Ma'mūn entered Baghdād, the son of his ṣāhib al-shurṭa walked in front of the caliph, bearing the lance which his father, the ṣāhib al-shurṭa, was too ill to carry.<sup>2</sup> Once established in Baghdād, al-Mu'mūn appointed Tāhir b. al-Husayn as governor of the eastern provinces as well as the ṣāhib al-shurṭa of Baghdād.<sup>3</sup>

Beneath the ṣāhib al-shurṭa there was another official with certain delegated responsibilities. This post was that of the ṣāhib al-jisr. According to Ibn Tayfūr, Tāhir b. Husayn appointed two men to this office, each of whom was responsible for one of the two bridges<sup>4</sup> and for dealing with criminal offences connected with the bridges of Baghdād. When the ṣāhib al-jisr had assembled criminals in his majlis it would be for the qādī to pass judgements on them.<sup>5</sup>

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1. Tabarī, ser.111-2, p.1009.

2. Ibn Tayfūr, Kitāb Baghdād (Cairo, 1949), p.14.

3. Tabarī, ser.111-2, p.1039.

4. Ibn Tayfūr, op.cit., p.20.

5. Ibid., pp.42-43. Ibn Tayfūr relates an incident in which the ṣāhib al-khabar was sitting in the majlis of the ṣāhib al-jisr, hearing criminal cases. The ṣāhib al-khabar reprimanded the ṣāhib al-jisr for cursing at the accused man and the ṣāhib al-jisr became very angry. He pointed out that the ṣāhib al-khabar was only there to write down what he heard and that if he did not shut up he, the ṣāhib al-jisr, would order his men to throw the ṣāhib al-khabar out

(cont.)



The sources provide some details of the way in which the shurṭa ran their daily business. They took criminals to the majlis of the sāhib al-shurṭa<sup>1</sup> who had a kātib to take down the details of the cases.<sup>2</sup> According to Tanūkhī, the kātib of the sāhib al-shurṭa even conducted a raid on a house on one occasion.<sup>3</sup>

Indeed, it would appear that in the <sup>C</sup>Abbāsīd period, the shurṭa carried out house-to-house searches to look for criminals. Once they had decided that a criminal was in a particular house, they would make a raid (kabsa) on that house.<sup>4</sup>

It seems that the shurṭa used dogs for crime investigation. According to Tanūkhī, the shurṭa used a dog to discover the body of a murdered man which had been burned.<sup>5</sup>

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(continued from the previous page) of the court. So the latter went away very angrily to the caliph. The caliph sent for the sāhib al-shurṭa and told him he must rebuke his men and tell them not to do anything so stupid again. The sāhib al-shurṭa went back and rebuked the sāhib al-jisr very severely. The next day, the qādī was ordered by the caliph to sit with the sāhib al-jisr in the majlis. If this anecdote is to be believed, it was clashes like this with the sāhib al-khabar which lost the sāhib al-jisr his right to pass judgements without the qādī's presence.

1. Ibn Tayfūr, op.cit., p.43.

2. Nishwār, vol.1, p.341.

3. Ibid., vol.5, pp.149-50.

4. Ibid., vol.1, p.341.

5. Ibid.



#### 9.4 GENERAL DISCUSSION

With the extension of the <sup>C</sup>Abbāsid administrative machinery, a number of new offices appeared which eroded many of the responsibilities which the ṣāhib al-shurṭa had enjoyed in the Umayyad period. Similarly, his men, the shurṭa, became responsible solely for policing duties rather than for the exercising of summary justice on the spot as they had done at times in the Umayyad period. Moreover, it was the haras who were involved in guarding the caliph and the palace, whilst the shurṭa were guardians of urban security.

The office of qādī gained at the expense of that of the ṣāhib al-shurṭa, whilst the ṣāhib al-barīd and the ṣāhib al-khabar had the ear of the caliph and the former even reported back on the activities of the ṣāhib al-shurṭa. Moreover, the ṣāhib al-shurṭa no longer served as court executioner.

Because of the more complicated <sup>C</sup>Abbāsid government machine, certain fuqahā' wrote treatises in which they specified certain roles and guidelines for the ṣāhib al-shurṭa and others. Ibn Abī Rabī<sup>C</sup>, for example, suggested certain rules of conduct for the ṣāhib al-shurṭa to follow.<sup>1</sup> Similarly, the little-known <sup>C</sup>Abbāsid work of Ibn Wah b. al-Kātib discusses in some detail a code of conduct for the ṣāhib al-shurṭa. This has been translated, as far as we know, for the first time into English, in Appendix I. How far such rules of conduct were ever followed in reality, however, is of course a matter for speculation.

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1. Ibn Abī Rabī<sup>C</sup>, Sulūk al-Mālik fī Tadbīr al-Mamālik (Cairo, 1286 A.H.), p.131.

## APPENDICES

## APPENDIX I

### A. THE LIFE OF IBN WAHB AL-KĀTIB, AUTHOR OF KITĀB AL-BURHĀN FĪ WUJŪH AL-BAYĀN

This writer's full name was Abū Husayn Ishāq b. Ibrāhīm b. Sulaymān b. Wahb al-Kātib. Very few facts are known about him. His grandfather's name was Abū Sulaymān b. Wahb b. Amr b. Husayn b. Qays b. Qibāl. The family provided a number of distinguished officials from the time of the caliph ʿUmar b. al-Khaṭṭāb onwards.<sup>1</sup> In view of his well-known forebears, it is all the more surprising that so little is known about Ibn Wahb himself. Not even his dates of birth and death are known but it would appear that he flourished in the middle of the fourth century A.H. His book, al-Burhān, was also unknown until recently. Many scholars, in fact, believed that al-Burhān was written by Ibn Qudāma but the editors, Maṭlūb and al-Ḥadīthī, feel confident that the work may be attributed to Ibn Wahb. They further allege from an analysis of his work that Ibn Wahb had Shiʿite leanings.<sup>2</sup>

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1. Cf. the introduction to the Burhān fī wujūh al-bayān, ed. by A. Maṭlūb and K. al-Ḥadīthī (Baghdad, 1967), p.37. The editors provide many details of the illustrious ancestors of Ibn Wahb.

2. Ibid.

B.

## صاحب الشرطة

فأما صاحب الشرطة ، فينبغي أن يعلم أن صاحبه إنما نصب  
لشئين :

أحدهما : معونة الحكام وأصحاب المظالم والدواوين في حبس من  
أمره بحبه ، وإطلاق من رأوا إطلاقه وإنشأه من كاتبوه  
بأشخاصهم وإخراج الأيدي أو أفرادها والشد عليها ، وكذلك جعل  
له اسم المعونة .

والآخر : النظر في أمور الجنايات ، وإقامة الحدود والعقوبات ، والفحص  
عن أهل الرّيب والعناد والعيث والفساد ، وقمعهم ، والاختصاص  
على أيدي اللصوص والبراق والمقامرين والفساق ، وتعزيز من  
وجب تعزيزه منهم ، وإقامة الحد على من استحق الحد منهم .  
وانما اشتق له اسم الشرطة من زيّه ، لأن من زي أصحاب الشرط  
نصب الاعلام على مجالس الشرطة . والاشراط : الاعلام ، ومنه قيل :  
أشرط الساعة ، أي : اعلامها ودلائلها . فلما دُلَّ صاحب الشرطة على  
نفسه بالاعلام التي نصبها على موضع قعوده ، سمي بذلك .  
وشرطة الخميس : الذين كانوا مع أمير المؤمنين - عليه السلام - .

من هذا اشتق لهم اسمهم ، لأن ارجيش الخميس . ولما شهروا أنفسهم من  
بين سائر الجيش بالبيع له بالقتال معه ، وصاروا اعلاما في ذلك قيل :  
شرطة الخميس .



فينبغي لهذا الكاتب أن يجعل له مع المعرفة بأحكام الله - عز وجل - في الحدود والديات ، والجراح ، والخبايا ، الرقة على المستورين وذوي الهيات ، والحرص على سير المسلمين من أهل المروءات . فقد جاء : « أقبلوا ذوي المروءات غراتهم » . وإن يكون الغوا أحب إليه من العلانية ، فمهم بئس على حد لم فقد جاء : « ادراوا الحد بالشبهات » . أما إذا قامت بيعة على وجوب حد ، فينبغي أن يحرص على إقامته ، وأن لا تأخذ رافة بصاحبه ، ولا تعطله رقة على مرتكبه . فإنه ليس بأرحم من الله - عز وجل - بعباده ، ولا أولى بالفضل عليهم . ولو علم الله - سبحانه - أن الإصلاح في تعطيل الحدود ورحمة أهلها لا أمرنا بإقامتها ، ولا قال : « ولا تأخذكم بهما رافة في دين الله إن كنتم تؤمنون بالله وباليوم الآخر » . ولا قال : « ولكم في القصص حياة بالآلآب » . ولا تحمله القسوة على أصحاب الحدود أو غيرهم من المفسدين على أن يزيد في حدودهم ، أو يتعدى بهم أمر الله - عز وجل - فيهم ، فإن الله - سبحانه - يقول : « ومن يتعد حدود الله فقد ظلم نفسه » . وحسب الإنسان أن يقف حيث وقف به حكم

الله . فقد ظلم نفسه .

الله . فلو علم الله - عز وجل - أن الزيادة في العقوبة على ما حد هو أروع لأهل المعاصي لراد فيها .

وأقل الحد حد السكران ، وهو أربعون جلدة . ثم إن عز وجل - رضي الله عنه - جعله ثمانين ، وعليه الناس في هذا الوقت .

والسكران : هو الذي لا يضبط نفسه ، ولا يحصل شيئاً من فعله وهو ثمانون ، وإنما يجب على من قذف وقوله : ثم حد القاذف حرّاً أو حريين مسلمين . فإن قذف عبداً أو أمّة أو مشركاً لم

يكن عليه حد . كانا بكريين جلدة مائة وتغريب . ثم حد الزاني والزانية ، وهو إن كانا بكريين جلدة مائة ، والرجم على قول أهل العراق ، والرجم عام ، وإن كانا ثيبين فجلدة مائة ، والرجم على قول أهل العراق : الذي لأزوجه وحده على قول أهل الحجاز والشيعة . والبكر من الرجال : الذي لأزوجه له ، ومن النساء : التي لأزوج لها . واليب من الرجال : من كان لها زوج حر مسلم .

زوجة مسلمة . واليب [ من النساء ] : من كان لها زوج حر مسلم .

نَمَّ حَدَّ السَّارِقِ ، وَهُوَ الْقَطْعُ لِيَدِهِ الْيَسْنَى إِذَا سَرَقَ مِنْ حِرْزٍ ،  
 وَبَلَّغَتْ قِيَمَةُ مَا سَرَقَهُ رِبْعَ دِينَارٍ فَصَاعِدًا عَلَى قَوْلِ أَهْلِ الْحِجَازِ وَالشَّيْخَةِ ،  
 وَعَشْرَةَ دَرَاهِمٍ عَلَى قَوْلِ أَهْلِ الْعِرَاقِ . وَالْقَطْعُ مِنَ الرَّسْغِ عَلَى قَوْلِ الْفُقَهَاءِ ،  
 جَمِيعًا . وَمِنْ أَصُولِ الْأَصَابِعِ عَلَى قَوْلِ الشَّيْخَةِ .  
 وَلَيْسَ عَلَى مُخْتَلِسٍ وَلَا خَائِنٍ قَطْعٌ ، وَإِذَا قَطَعَ الرَّجُلُ نَمَّ بِسَرَقِهِ  
 قَطَعَتْ رِجْلُهُ الْيَسْرَى ، فَإِنْ سَرَقَ لَمْ يَقْطَعْ عَلَى قَوْلِ الشَّيْخَةِ وَبَعْضِ الْفُقَهَاءِ ،

وَقَالَ آخَرُونَ : تَقْطَعُ يَدَهُ الْيَسْرَى نَمَّ رِجْلُهُ الْيَسْنَى .

وَحَدَّ الْحَبْسِ . وَقَالَ الْقَاتِلُ عَمْدًا ، وَهُوَ الْقَتْلُ إِذَا طَلَبَ أَوْلِيَاءُ الْمَقْتُولِ الْقَوْدَ ،

فَإِنْ عَنَوْا أَوْ قَبِلُوا الدِّيَةَ ، فَذَلِكَ . وَمَنْ لَا وَلِيَّ لَهُ فَلَامَامٌ إِنْ نَاءَ قَتْلُ ،

وَإِنْ نَاءَ أَخَذَ الدِّيَةَ وَعَفَا .

بَعْضُ أَعْضَاءِ الْإِنْسَانِ عَمْدًا .

وَحَدَّ الْجَارِحِ أَوْ الْقَاطِعِ  
 الْقَتْلُ : الْعَيْنُ بِالْعَيْنِ ، وَالْأَنْفُ بِالْأَنْفِ ، وَالْأُذُنُ بِالْأُذُنِ ، وَالسِّنُّ بِالسِّنِّ .

« وَالْجُرُوحُ قِصَاصٌ » ، كَمَا قَالَ اللَّهُ - عَزَّ وَجَلَّ -

وَلَا يَجِبُ الْحَدُّ إِلَّا بِإِقْرَارٍ أَوْ بَيِّنَةٍ ، وَلَا يَقْبَلُ إِقْرَارُ الزَّانِي عَلَى

نَفْسِهِ حَتَّى يَشْهَدَ أَرْبَعَ شَهَادَاتٍ . وَكُلٌّ مِنْ أَقْرَعٍ عَلَى نَفْسِهِ بِمَا يُوْجِبُ حَدًّا .

وَكَانَ حُجَّتِ الْعُقْلُ ، قَبْلَ إِقْرَارِهِ ، وَأَقِيمَ الْحَدُّ عَلَيْهِ . وَإِنْ قَامَتْ بَيِّنَةٌ

فَقِيَمَهُ ، فَيُقْبَلُ أَنْ يَتَّيَمَّ الْحَدُّ عَلَيْهِ ، دَرِيءُ الْحَدِّ عَنْهُ . وَإِنْ قَامَتْ بَيِّنَةٌ

شَهَادَةُ شَاهِدَيْنِ فِي سَائِرِ الْحُدُودِ وَشَهَادَةُ أَرْبَعَةٍ فِي الزَّانَا ، أُقِيمَ الْحَدُّ عَلَى

مَنْ تَقُومُ الْبَيِّنَةُ عَلَيْهِ ، فَإِنْ رَجَعَ بَعْضُ الشُّهُودِ أَوْ تَعَتَّقَ أَوْ تَوَقَّفَ ، دَرَبُ

الْحُدُودِ ، لِأَنَّ أَمْرَهُ أَنْ تَدْرَأَهَا بِالشُّبُهَاتِ . فَهَذِهِ جَوَامِعُ مَا فِي الْحُدُودِ .

فَأَمَّا الْجَنَايَاتُ ، فَهِيَ تَنْقَسِمُ قِسْمَيْنِ : عَمْدًا وَخَطَأً . وَقَدْ ذَكَرْنَا  
مَا فِي الْعَمْدِ بِمَا أَغْنَى عَنْ إِعَادَتِهِ .

وَأَمَّا الْخَطَأُ فَيَنْقَسِمُ قِسْمَيْنِ : خَطَأً مُحْضًا ، وَخَطَأً شَبِيهًا بِالْعَمْدِ . فَأَمَّا

الْخَطَأُ الْمُحْضُ ، فَهُوَ أَنْ تَرْمِي غَرَضًا فَتَصِيبُ إِنْسَانًا أَوْ طَائِرًا فَيَقْتُلُ  
رَحْلًا ، فَهَذَا خَطَأٌ مُحْضٌ . فَأَمَّا الْخَطَأُ شَبِيهَ الْعَمْدِ ، فَأَنْ تَقْصِدَ الرَّجُلَ  
بِالرَّمِيَةِ أَوْ بِالضَّرْبَةِ اللَّتَيْنِ لَيْسَ مَثْلُهُمَا يَقْتُلُ فَيَمُوتُ ، فَذَلِكَ الْخَطَأُ يَشْبَهُ  
الْعَمْدَ . وَفِيهِ وَفِي الْعَمْدِ إِذَا عَفِيَ عَنِ الْقَوْدِ مِائَةٌ مِنَ الْإِبِلِ أَمْثَلَاتُ ، ثَلَاثُونَ  
حَقَّةً ، وَثَلَاثُونَ جَذَعَةً ، وَأَرْبَعُونَ خَلْفَةً . وَتَسْمَى هَذِهِ الدِّيَّةُ  
الْمُغْلَقَةُ . وَعَلَى الْقَاتِلِ خَطَأً بَعْدَ الدِّيَّةِ الْكَفَّارَةُ تَحْرِيرُ رَقَبَةٍ مُؤَمَّنَةٍ ، أَوْ  
صِيَامُ شَهْرَيْنِ مُتَابَعَيْنِ .

وَفِي الْخَطَأِ الْمُحْضِ مِائَةٌ مِنَ الْإِبِلِ أَخْمَاسًا ، فَعَشْرُونَ مِنْهَا حَقَاقٌ ،  
وَعَشْرُونَ جَذَاعٌ ، وَعَشْرُونَ بَنَاتُ مَخَاضٍ ، وَعَشْرُونَ بَنَاتُ لَبُونٍ ، وَعَشْرُونَ  
بَنَاتُ لَبُونٍ .

وَدِيَّاتُ النِّسَاءِ عَلَى النِّصْفِ مِنْ دِيَّاتِ الرِّجَالِ .  
وَدِيَّاتُ أَهْلِ الْكِتَابِ عَلَى الثَّلَاثِ مِنْ دِيَّاتِ الْمُسْلِمِينَ .  
وَدِيَّةُ الْمَجُوسِ وَعَابِدُ الْوُثْنِ ثَلَاثَا عَشَرَ الدِّيَّةِ .

والدية على أهل العين ألف دينار ، وعلى أهل الورق عشرة آلاف درهم عند قوم ، وعند قوم آخرين اثنا عشر ألف درهم .  
وفي الرقيق قيمتهم .

ولا يقتل مؤمن بكافر ، ولا حر بعبد ، ولا والد بولد . ويقتل الذكر بالأنثى في قول جميع الفقهاء إلا الشيعة فانهم يأخذون نصف الدية من أولياء المرأة ، ثم يقتل الرجل . وقولهم في ذلك أقيس ، وإن كانوا لا يرون القياس .

وكل شيء في بدن الإنسان منه واحد ، كالأنف والذكر وما أشبه ذلك ، ففيه إذا جني عليه فعطله ، الدية كاملة . وكل ما كان أكثر من واحد فبحساب ذلك . ففي فرد العين نصف الدية ، وفي الأذن الواحدة نصف الدية . ومن أبطل على الإنسان نظره أو سمعه أو لسانه ، كان في ذلك الدية ، وإلا فبحساب ما يسمع من الحروف أو بينها بلسانه أو بحساب ما ينظر .

والأصابع والأسنان بحسابها ، فيكون في كل واحد من الأصابع خمس من الأبل ، وفي كل واحد من الأسنان ثلاث من الأبل . وبعض النقباء يجعل في أصابع اليدين الدية كاملة وفي أصابع الرجلين الدية كاملة . ويحسب على ذلك فيكون له بكل أصبع عشر من الأبل . والشيعة تجعل الدية في الأصابع والأسنان على قدر المنفعة ، فيفضلون بعض ذلك على بعض . ولست أحفظ تفصيل ذلك ، وهو في كتب الديات المصنفة للكليني ولحسين بن سعيد وغيرهما ، ميسر .



وكل ما تعتمد عليه صاحبه من ذلك ، ففيه القصاص والمحدد فيما يجب فيه المحد . وعلى صاحب الشرطة أن يستفيده الى الامام ، فاذا أمره أن عليه أو يفتي فعل ذلك ، ويجري الحق في القصاص وتحريره من الخطأ على غاية ما يمكنه من الاجتهاد في إصابته . وكل ما لا دية فيه من خدش وشبهة غير موضحة ، ففيه حكومة والدائمة التي لا دية فيها ، وهي دون الموضحة الدائمة والباضة والتخارص والمأتمنة والمأمومة ، وهي التي تبلغ أم الدماغ . والجائفة . ثلث الدية في كل واحدة منها .

والشجاج التي لا دية فيها ، وهي دون الموضحة الدائمة والباضة والتخارص والدائمة التي فيها الدية ، وهي التي تبلغ أم الدماغ . والجائفة . ثلث الدية في كل واحدة منها . والتعزير أقل من المحد على مذهب أكثر الفقهاء ، وقال مالك : ذلك الى الامام ، إن شاء زاد في المحد ، وإن شاء نقصه . هذا ما في الحدود ، والديات ، والقصاص في الجنابات .

وينبغي لصاحب الشرطة أن  
 \* \* \*  
 له عفيف الطعمة ، عارفاً بأحكام الشرطة . ويعتقن به عارضا يكتب قصص  
 \* \* \*

المرفوعين اليه ، وفي أي شيء رفعوا ، وأي صاحب مسلحة رفعهم .  
ويعمل مايجتمع من هذه القصص التي يرفعها عراض الإرباع اليه في كل  
يوم جامعاً يعرضه على من فوقه من أمير أو إمام ، فيوقع تحت ذكر كل  
رجل فيما يراه في أمره من تأديب ، أو حبس ، أو اطلاق ، أو اقامة حد  
إن كان الموقع إماما . وأن ينسخ هذه الجوامع والقصص والتوقيعات ،  
وما يخرج بها من الامام من اقامة حد أو ايقاع قصاص في ديوان الشرطة .  
وكذلك ما يخرج من صلح بين المترافعين ومباراة من مطالبة ، فإن  
الذي يثبت من ذلك في مجلس الشرطة نظير ما يثبت من المحاضر ، ونسخ  
السجلات في ديوان الحكم .

وليس ينبغي لصاحب الشرطة أن يقدم بالتعزير إلا على من عرف  
بالريب ، وألف منه العيث . وكان قد عرف غير مرة في مثل ما اتهم به .

فأمّا المقامر والشاطر ' والمؤاجر ومن يجري مجراهم من  
نباذ<sup>(٦)</sup> ، وخمّار ، وقواد ، فيعزرون ، ويؤدبون ، وينهون عن المعاودة .  
فان عادوا حبسوا ، واذا تابوا وضمنوا أن لا يعودوا أطلقوا .

ولا ينبغي له أن يحبس أحداً بقذف ودعوى إلا إذا كان ظنياً في  
جيرته ، متهماً عند أهل الخبرة .

فهذه جمل ما يحتاج صاحب الشرطة وكتابه الى استعماله في عملهما .

C. A TRANSLATION OF THE SECTION ON THE ṢĀHIB AL-SHURṬA  
FROM AL-BURHĀN FĪ WUJŪH AL-BAYĀN OF IBN WAḤB AL-KĀTIB

As for the ṣāhib al-shurṭa, it is appropriate to know that the person who holds this office is appointed for two things only. Firstly, to help the rulers and those who preside at the mazālim (courts) and in the dīwāns, to imprison anyone they order to be imprisoned, to release anyone whom they want to be released, to send for anyone whom they want to be sent for, and to either release a person or imprison him and deal harshly with him. Thus he is given the name of ma<sup>C</sup>ūna. Secondly, his other duty is to look into criminal matters and to impose fixed punishments (ḥudūd) and penalties, to look out for suspicious people, troublesome, disruptive and corrupt people and to restrain them, and to apprehend robbers and thieves, gamblers and sinful people, to chastise anyone who needs to be chastised and to give fixed punishments (ḥudūd) to anyone who deserves to be punished.

The name of the shurṭa is derived from his uniform (ziyy) because it is the custom of the aṣḥāb al-shurṭa to set up flags (al-a<sup>C</sup>lām) on their stations (majālis). Al-Ashrat means al-a<sup>C</sup>lām (flags), and from this comes the saying: Aṣhrāt al-Sā<sup>C</sup>a (the portents of the Day of Judgement) which means its signs and proofs. So when the ṣāhib al-shurṭa distinguished himself with the signs which he had set up on his station, he was called by this name.

As for the shurṭat al-khamīs who were with the Commander of the Faithful, peace be upon him (the caliph <sup>C</sup>Alī b. Abī Ṭalib), they derived their name from the army term khamīs and when they

distinguished themselves from the rest of the army by following him into the battle and they became well-known for that, they were called shurtat al-khamīs.

It is appropriate for this official in addition to possessing the knowledge of God's laws to know about fixed punishments (hudūd), the payment of blood money (diya), injuries (al-jirāh) and crimes. He must also be kind to both poor people and notables and be careful in dealing with the behaviour of good Muslims, for there is a tradition 'Overlook the failures of good Muslims'. Forgiveness should be preferable to punishment for him unless there is evidence that he deserves the punishment (hadd): for there is a saying 'Drop the punishment if the evidence is obscure'. But if there is clear evidence against him (the suspect) it is suitable that he should be keen to exact it (the punishment) and not to show any mercy to anyone who has committed crimes, nor should he remove it (the punishment) out of pity for the perpetrator of the crime. For he (the sāhib al-shurṭa) is not more merciful than God is towards His created beings and he is not entitled to be more condescending (than God) towards the people. If God knew - praise be to Him - that well-being lay in the suspension of the hudūd and in the showing of mercy to the people He would not have ordered us to impose these punishments and He would not have said, 'Let not compassion move you in their case, in a matter prescribed by God, if ye believe in God and the Last Day'.<sup>1</sup> Nor would He have said, 'In retaliation there is life for you, O ye men of understanding'.<sup>2</sup>

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1. Sūra 24, verse 2.

2. Sūra 2, verse 179.



Harshness towards people who have committed crimes or others who are malefactors should not cause the sāhib al-shurṭa to increase their punishments, or to infringe in their case the command of God - may He be praised and glorified - for God, may he be praised, says 'He who transgresses the limits of God, does verily wrong his own soul'.<sup>1</sup> The human being must stop where the command of God stops him. If God had known that an increase of punishment on what he had already laid down would be better in curbing evildoers, then God would have increased these punishments.

The smallest ḥadd is the ḥadd of the drunkard which is forty lashes. Then <sup>C</sup>Umar - may God be pleased with him - made it eighty, and the people nowadays act according to this law.<sup>2</sup> And the drunkard is a man who cannot control himself or achieve anything in his deeds and speech. Then comes the ḥadd for the person who makes false accusations, which is eighty lashes. This punishment should be applied only to someone who falsely accuses one or two free-born Muslims. If he accuses a male or female slave or a polytheist there is no ḥadd obligatory on him.

Then comes the ḥadd (fixed punishment) for an adulterer and an adultress which if they are unmarried (bikr) is one hundred lashes and banishment for one year. If they are married (thayib) the punishment is one hundred lashes and according to the people of <sup>C</sup>Irāq to be stoned to death, and according to the people of Hijāz

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1. Sūra 65, verse 1.

2. The author's time which was the fourth century A.H.

and the Shi<sup>C</sup>a (the punishment) is only stoning. The definition of bikr for men is someone who has no wife and for women it is someone who has no husband. And the definition of thayyib for a man is someone who has a Muslim wife and thayyib for a woman is someone who has a free-born Muslim husband.

Then comes the hadd for a thief. This is to cut off his right hand if he has stolen someone's property and if the price of what he has stolen reaches a quarter of a dīnār or more, according to (the view) of the people of Hijāz and the Shi<sup>C</sup>a, or ten dirhams according to the practice of the people of <sup>C</sup>Irāq. According to the view of all the fuqahā', the hand should be cut from the wrist, but in the view of the Shi<sup>C</sup>a, the hand should be cut from the roots of the fingers.

The punishment of cutting hands is not applied to a mukhtalis<sup>1</sup> and a khā'in.<sup>2</sup> If a man who has had his hand cut off steals again, his left foot should be cut off. According to the Shi<sup>C</sup>a and some of the fuqahā', however, it should not be cut off but he should stay in prison for life. In the view of other scholars the left hand and the right foot must be cut off (when a man steals a second time).

Then comes the punishment of the murderer who kills deliberately: in this kind of murder if the relatives of the murdered person want revenge, the murderer should be killed, but if they forgive or accept blood money (diya) this is acceptable. And for the murderer of

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1. Mukhtalis: a man who has snatched money from someone in a crowd and has run away.

2. Khā'in: a man who has spent money with which he was entrusted.

of anyone who has no relatives then it is up to the imām to decide if he wishes to have the death penalty or if he wishes to take blood money and forgive him.

The punishment of anyone who injures anybody or who cuts any of a person's limbs deliberately is retaliation - an eye for an eye, a nose for a nose, an ear for an ear, and a tooth for a tooth, 'and wounds equal for equal'<sup>1</sup> as God said, may He be praised and glorified.

The ṣāhib al-shurṭa must not punish without a confession or proof and he must not accept any confession from an adulterer until he has testified four times. Everyone who confesses that he has committed a crime which necessitates a hadd and who is sane before his confession should be punished. If he returns and denies his previous statement before the punishment has been carried out on him the punishment cannot be applied. And if there is clear evidence provided by two witnesses in the rest of the hudūd, and by four witnesses in the case of adultery, then the punishment may be exacted on anyone on whom clear proof has been established, but if any witness goes back on his evidence or stammers or stops in his testimony, the hudūd cannot be applied. For we have been ordered (by God) not to apply punishment where the evidence is in doubt and this is the general conclusion about the hudūd.

As for crimes (jināyāt) these are divided into two parts: deliberate and accidental. We have already mentioned deliberate crimes so there is no need to mention them again.

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1. Sūra 5, verse 45.



As for accidental crimes, they are divided into two categories: pure accident and an accident which is similar to an intentional crime. A pure accident is to throw an object at a person or a bird and to kill (thereby) another man; this action is called a pure mistake. But the accidental crime which is similar to an intentional crime occurs when a man intentionally throws or hits, two actions which usually do not kill, but which in this case do cause death; this is called an accidental crime which is similar to an intentional crime. And in this case and in a deliberate killing, if (the relatives) forego retaliation, one hundred camels must be paid (to the dead man's relatives) in three instalments: thirty ḥaqqā,<sup>1</sup> thirty jadha<sup>a</sup><sub>2</sub> and forty khalfa.<sup>3</sup> This diya is called al-mughliza.<sup>4</sup> Also the killer who kills by mistake must offer (after paying diya), kaffāra (penance), which is to free a believer's neck or to fast for two successive months.

In the case of a killing by pure mistake (diya) the payment is one hundred camels in five instalments: twenty of these camels must be ḥaqqā, twenty jadha<sup>a</sup><sub>2</sub>, twenty banāt makhād,<sup>5</sup> twenty banāt al-labūn,<sup>6</sup> and twenty are banū labūn.<sup>7</sup> And the diya of women is half the diya of men.

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1. A camel which has reached its fourth year and is called thus because it can carry loads.
  2. A camel which has reached its fifth year.
  3. A pregnant camel.
  4. Blood money payable under hard conditions.
  5. A camel which has been separated from its mother.
  6. Called this name because its mother has borne another calf and has milk.
  7. A young camel which has reached its second year.



The diya of the People of the Book is one third of the diya of the Muslims. Also the diya of Zoroastrians or of idolaters is a thirteenth of the Muslim diya. The diya of the people who pay in ~~gold~~ <sup>gold</sup> is one thousand dīnārs and the diya of those who pay with ~~silver~~ <sup>gold</sup> is ten thousand dirhams, or in the view of some scholars,<sup>1</sup> twelve thousand dirhams. The diya of slaves is what they are worth.

Let not a Muslim believer be killed for killing a non-believer (kāfir); or a free man for killing a slave, or a father for killing his son. The male must be killed if he kills a female in the view of all fuqahā' except for the Shi<sup>c</sup>a who take half the diya from the dead woman's relatives and then kill the murderer. Their (the Shi<sup>i</sup>te) view in this matter is more in conformity with qiyās although they do not accept qiyās.

As for those parts of the human body of which there is one, such as the nose, the male generative organ and anything similar, if anyone harms them, he should pay a full diya. But for those parts of the body where there is more than one, the diya should be proportionate; (the loss of) one of a pair of eyes is half the diya, an ear is half the diya. And if anyone damages a man's eyesight or his hearing or his speech, for all these he must pay the diya or a proportion of it if he can still hear words or express some words with his tongue or still see.

The fingers and teeth should be assessed proportionately; the

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1. Like Abū Hanīfa.

diya for each damaged finger is five camels and for each (damaged) tooth is three camels. Some fuqahā' impose the full diya for damage to all the fingers or all the toes. The amount for each (damaged) finger is ten camels. But the Shi<sup>C</sup>a make the diya for the fingers and teeth differ according to their value as some (fingers and teeth) are more important than others. And I do not remember all details, which are explained in the diya books written by authors like al-Kulaynī and Husayn b. Sa<sup>C</sup>īd and others.

Every (crime) which is perpetrated intentionally has its retaliatory punishment (qisās) and there is a fixed punishment (ḥadd) for those crimes which require a ḥadd. It is the duty of the sāhib al-shurṭa to put cases before the imām and if he orders the sāhib al-shurṭa to tie someone up or to arrest him then he should do it. It is also his duty to seek justice in any punishment and to prevent punishment (being administered) by mistake. He should examine with a probe or some other instrument, a wound, so that the punishment is inflicted either on the basis of certain knowledge or on the basis of his (the sāhib al-shurṭa's) best possible independent judgement.

As for everything which does not necessitate diya such as scratches and head wounds (which lay open the flesh) but which are not visible, in this kind of offence there is a judgement. This also applies to head wounds (shijāj) which have no diya in them. For wounds which dāmiyya<sup>1</sup> or bādi<sup>2</sup> a, khāriṣa<sup>3</sup> and dāmigha,<sup>4</sup> these

1. A wound which has drawn blood but which is not bleeding.
2. The wound which is slashed or slit open or cut up.
3. A deep scratch on the body which takes off the skin but does not cause any damage to bone or to flesh.
4. Which is a wound in the head which reaches the brain (or damages the brain).

kinds of wounds have a clear diya and for each of them five camels must be paid. But for wounds which are hāshima,<sup>1</sup> ma'mūma which reaches the brain, and jāifa,<sup>2</sup> for all these wounds one third of a diya must be paid.

Ta<sup>c</sup>zīr<sup>3</sup> is less than hadd in the view of most of the fuqahā', but Malik said that it is up to the imām to decide if he wants to increase or decrease the hadd.

These are all the crimes which require hudūd, diya and qisās.

It is necessary for the ṣāhib al-shurṭa to arrange for each quarter of his working area to have a commander (ṣāhib) who is decent and honest in his dealings and knows about the legal judgments of the shurṭa. And also he (the ṣāhib al-shurṭa) should appoint a clerk to write down the complaints of anyone who comes to complain or brings complaints before him, or of anyone brought before him by the commander of the armed men. He should also gather all these complaints which the commander (of the shurṭa) of the quarters brings him every day and all these (complaints) the ṣāhib al-shurṭa should pass on to the amīr or imām above him, so that he can sign each man's report and decide if he needs discipline or imprisonment or release or the imposition of the hadd if it is signed by the imām.

He (the ṣāhib al-shurṭa) registers these complaints and signatures,

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1. The bone or head smashed or destroyed.
  2. The thrust or stab which penetrates the abdomen.
  3. Inflicting stripes below the full number appointed by law.



and everything which is ordered by the imām, either hudūd or qisās in the dīwān al-shurṭa. And in this way he should register the statements and demands made by plaintiffs. Anything which is established in the majlis al-shurṭa must be the same as what is established in the nuḥādir (register). Also he must register records in the dīwān al-hukm.

The ṣāhib al-shurṭa must not punish anyone by ta<sup>c</sup>zīr except people who are under suspicion, or anyone causing trouble and known already to be a troublemaker. As for the gambler, the scoundrel, the Sodomite or anyone who is a nabbādh,<sup>1</sup> a khammār (wine seller), a pimp, all these must be punished by ta<sup>c</sup>zīr and disciplined and forbidden to commit these crimes again. If they do commit these crimes again they must be imprisoned, but if they repent and guarantee not to do it again they should be released. Also he (the ṣāhib al-shurṭa) must not imprison anyone who is accused by a false accusation or by complaints unless he is known by his neighbours to be suspect or guilty in the opinion of experienced people.

This is a summary of what the ṣāhib al-shurṭa and his kātib need to use in their work.

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1. A person who makes wine or sells it.



## APPENDIX II

### SHURTAT AL-KHAMĪS

The question of the shurtat al-khamīs is discussed largely by Shiite writers who do not, however, provide any details about the reason for its existence or about when it was created. Ibn al-Nadīm, for instance, relates from Muḥammad b. Ishāq that the people who fought with ʿAlī against Ṭalḥa and al-Zubayr in the battle of the Camel were called Shīʿa and that ʿAlī divided the Shīʿa into the following sections: al-Asfiyāʾ, al-Awliyāʾ, shurtat al-khamīs and al-Ashāb. Ibn al-Nadīm adds that ʿAlī named this group shurtat al-khamīs because ʿAlī agreed certain conditions for supporting him with them.<sup>1</sup> Unfortunately, however, there is no information available about who such people were and what their role in ʿAlī's army was to be.

Another Shiite scholar, al-Kashshī, gives a similar account to that of Ibn al-Nadīm and says that ʿAlī agreed with the shurtat al-Khamīs that he would grant them Paradise in return for their participation in his wars and for their defending him against his enemies.<sup>2</sup> Thereafter, al-Kashī makes no further mention of the

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1. Ibn al-Nadīm, al-Fihrist (Cairo, 1348 A.H.), p.249.

2. Abū Jaʿfar al-Tūsī, Ikhtiyār Maʿrifat al-Rijāl, known as Rijāl al-Kashshī (Mashhad, 1348 A.H.), p.5.

activities of this group and their subsequent participation in <sup>C</sup>Alī's campaigns.

Al-Barqī (d.276-280/889-93) mentions that some of the Prophet's Companions like Abū Dharr and Miqdād were members of the shurtat al-khamīs.<sup>1</sup> If we accept this, then it may be assumed that the shurtat al-khamīs existed as early as the reigns of <sup>C</sup>Umar and <sup>C</sup>Uthmān and that it did not begin during the caliphate of <sup>C</sup>Alī, since both Abū Dharr and Miqdād died during <sup>C</sup>Uthmān's caliphate.<sup>2</sup> It is clear, therefore, that al-Barqī disagrees with Ibn Nadīm who states that <sup>C</sup>Alī established the shurtat al-khamīs during the Battle of the Camel. Al-Barqī also states that <sup>C</sup>Alī said to some of his followers in the shurtat al-khamīs that their names were written in the sky because the Prophet had told him so.<sup>3</sup>

Generally speaking, most historians make no mention of the shurtat al-khamīs, except for Ṭabarī who reports that <sup>C</sup>Alī appointed Qays b. Sa<sup>C</sup>d b. Abī <sup>C</sup>Ubāda as the head of this group after removing him from his post as governor of Egypt.<sup>4</sup>

Needless to say, this whole issue is full of doubts and uncertainty. It may be assumed that the shurtat al-khamīs was a group of devoted followers who supported <sup>C</sup>Alī in his wars against his enemies. Yet, their role in these wars is uncertain. When

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1. Al-Barqī, Kitāb al-Rijāl (Tehran, 1342 A.H.), p.3.

2. Isāba, vol.3, p.933; Nuwayrī, vol.19, pp.446-47.

3. Al-Barqī, op.cit., pp.3-4.

4. Ṭabarī, vol.5, p.158.

Tabarī reports that this group numbered forty thousand men<sup>1</sup> this is clearly an exaggeration. Al-Barqī says that the group numbered between five and six thousand men.<sup>2</sup> If these numbers were genuine, they would be more likely to apply to the whole of <sup>C</sup>Alī's army, not merely to a section of it. If Ḥasan had enjoyed the support of such a large force, there would have been no need for him to abdicate in favour of Mu<sup>C</sup>āwīya. Nor did Ḥasan's army demonstrate the loyalty demanded of the shurṭat al-khamīs. It is well-known that his men attacked and injured him at Ctesiphon.

It is clear, however, that the shurṭat al-khamīs had little to do with the regular shurṭa which forms the subject of this thesis.

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1. Ibid.

2. Al-Barqī, op.cit., p.3.

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